

EXHIBIT B

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**WASHINGTON STATE SUPERIOR COURT
 KING COUNTY**

GEOFFREY GRAY, AARON MILLER,
 BRANDON WHEELER, ADAM BOGLE,
 ANDRE LYLE, BLAINE SCHIESS,
 BRADLEY SAWAYA, CASEY BURNS,
 CAITLYN LOMEN-CARR,
 CHRISTODOULOS PANERIS, DANIEL
 HJELMESETH, DAVID LAWTON,
 DEBORAH FLETCHER, DONNA
 TEGNELL, DYLAN BECKNER, ERIC
 HANSEN, GARY GORDON, JAMES
 HOWARD, JANA CRAWFORD, JAY
 SARVER, JEREMY BIRCHFIELD,
 JEREMY GREENE, JOE DEGROAT,
 JOHN WINSTON, JORDAN LONGACRE,
 JOSEPH GREENE, JUSTIN COCHRAN,
 KERRY STRAWN, LARRY FROSTAD,
 LYNN NOWELS, MERRIEGRACE LA
 PIERRE, MICHAEL BROWN, MICHAEL
 URIBE, MICHAEL WATKINS, NATHAN
 KESLER, NICHOLAS AUCKLAND,
 NICOLE PREZIOSI, PETER DUNCAN,
 RICHARD OSTRANDER, ROBERT
 WASHABAUGH, RODNEY PELHAM,
 RONALD VESSEY, RYAN EUBANK,
 SCOTT SCHUTT, SEAN MORGAN,
 SHASTA ATKINS, SHERI FERGUSON,
 SOMMER BECKNER, STACY
 KATYRYNIUK, STEPHEN AUSTIN,
 STEVE TURCOTT, STEVE WALKER,
 TERRY DUNN, TODD HUMPHREYS,
 TYLER RATKIE, WENDY PUNCH,

CASE NO. 24-2-29324-8 SEA

FIRST AMENDED COMPLAINT

JURY DEMANDED

1 WILLIAM DUBOSE, VICTORIA
2 GARDNER, BRION HOGAN, BRADY
3 TODHUNTWER, CRAIG HENRIKSEN,
4 GABRIEL NEWMAN, LAVORN CHETH,
5 PAM WHORALL, MIROSLAV TSANEV,
6 SHAUN BUKOVNIK, ROBERT
7 COVINGTON.

8
9 Plaintiffs,

10 v.

11 WASHINGTON STATE DEPARTMENT
12 OF TRANSPORTATION, a Washington
13 State Agency; AMY M. SCARTON, an
14 individual, KIMBERLY MONROE FLAIG
15 an individual.

16 Defendant.

17
18 Plaintiffs hereby sue the Defendants the State of Washington, by and through its
19 Department of Transportation (WDOT), Amy M. Scarton in her official and personal capacity,
20 and Kimberly Monroe Flaig in her official and personal capacity. Plaintiffs seek prospective
21 injunctive relief of reinstatement under Washington's Law Against Discrimination, Ch. 29.60
22 (WLAD), and damages for violating WLAD and other State law.

23 I. PARTIES, JURISDICTION, AND VENUE

- 24 1. Plaintiffs, at all material times, are natural persons who all resided in Washington
25 during all material time to the facts alleged in this First Amended Complaint (FAC).
- 26 2. Defendant the State of Washington is a sovereign state formed in 1889 that has
various administrative agencies that are part of the Governor's Cabinet, WSDOT is
one of those agencies.

1 3. WSDOT employs eight or more persons, and is not a religious or sectarian
2 organization not organized for private profit

3
4 4. Defendant Amy Scarton is a natural person who resides in King County, Washington.

5 5. Kimberly Monroe Flaig is a natural person who conducts business in King County,
6 Washington.

7
8 6. This Court has subject matter jurisdiction pursuant to Article IV, §6 of the
9 Washington State Constitution and RCW 2.08.010.

10 7. One or more Defendants reside in King County, Washington.

11 8. Most of the action giving rise to this action occurred in King County, Washington.
12

13 II. FACTS

14 A. Individual Defendants

15 9. Defendant Scarton is, and at all material times, was the appointed Deputy Secretary
16 of WSDOT.

17
18 10. Defendant Scarton directly participated in the acts and omissions complained of
19 herein.

20 11. Defendant Scarton had the authority to prevent the injury caused to each Plaintiff but
21 failed to so act.

22
23 12. Defendant Scarton, at all times relevant, was an “Employer” as defined in RCW
24 49.60.040.

25 13. Defendant Monroe is, and at all material times, was the HR Deputy Director.
26

1 14. Defendant Monroe directly participated in the acts and omissions complained of
2 herein.

3 15. Defendant Monroe explicitly expressed animus toward the religious objectors in
4 social media posts denigrating the religious beliefs that WSDOT found to be sincere.
5

6 16. Defendant Monroe had the authority to prevent the injury caused to each Plaintiff but
7 failed to so act.

8 17. Defendant Monroe, at all times relevant was acting in the interest of WSDOT.
9

10 **B. Plaintiff Geoffrey Gray:**

11 18. On August 14, 2021, The Governor issued Proclamation 21-14 that imposed upon
12 each State employee a job requirement that they be injected with the primary series
13 of the Moderna, Pfizer, or Janssen (J&J) COVID-19 vaccine (Vaccine Requirement)
14 or be granted an exemption from the Vaccine Requirement that the State
15 accommodated pursuant to WLAD.
16

17 19. Plaintiff Geoffrey Gray sincerely held a religious belief that conflicted with the
18 ability to comply with the Vaccine Requirement.
19

20 20. Plaintiff Gray is a Bible-believing, born again, child of God. A Christian indwelt by
21 the Holy Spirit, his worldview is grounded on God's Word (the Authorized King
22 James Bible), and he lives his life to please God, as the Spirit leads him. He believes
23 that his body is the temple of the Holy Spirit (1 Corinthians 6:19-20) and if any man
24 defile the temple of God, him shall God destroy; for the temple of God is holy, which
25 temple ye are." (1 Corinthians 3:16-17). He believes he is neither to defile the temple
26

1 of the Holy Spirit nor allow his body to be brought under the power of any food,
2 drink, or chemical substance, including vaccines (1 Corinthians 6:12).

3
4 21. On August 27, 2021, Plaintiff Gray submitted a religious exemption request form that
5 notified the Defendants about the sincerely-held religious belief and how it conflicted
6 with the ability to comply with the Vaccine Requirement.

7
8 22. Subsequently, Defendants requested additional information from Plaintiff Gray
9 regarding the religious belief and how the religious belief conflicted with the ability
10 to comply with the Vaccine Requirement.

11
12 23. On August 31, 2021, Plaintiff Gray complied with Defendants' request and provided
13 the supplemental information about the sincerely held religious beliefs and how the
14 belief conflicted with the ability to comply with the Vaccine Requirement.

15
16 24. Defendants then considered Plaintiff Gray's request for a religious exemption, they
17 determined a sincerely held a religious belief conflicted with the ability to comply
18 with the Vaccine Requirement, they granted the exemption, and they notified the
19 Plaintiff about the decision.

20
21 25. In the same notice, and without further input from the Plaintiff regarding
22 accommodating the exemption, Defendants determined they could not accommodate
23 Plaintiff's religious belief in the Plaintiff's current position because "the essential
24 functions of your position require unavoidable and/or unpredictable interactions with
25 others in the workplace and/or with members [of] (*sic*) the public."
26

1 26. The only possible accommodation Defendants would consider is the possibility of
2 reassignment to a currently funded, equal or less paying, available job that had no job
3 duty that would require unavoidable and/or unpredictable interactions with co-
4 workers or the public, and that Plaintiff was qualified to perform.

5
6 27. Defendants warned, however, that reassignment positions were limited and there was
7 no guarantee that any such job was available.

8
9 28. In fact, there was no reassignment positions available to which Plaintiff could have
10 been transferred based on the reassignment limitations.

11 29. On October 18, 2021, the State terminated this employee's continued public
12 employment without the employee's consent for not complying with the Vaccine
13 Requirement and the religious exemption having not been accommodated.
14

15 **C. Plaintiff Aaron Miller**

16 30. Plaintiff Miller sincerely held a religious belief that conflicted with the ability to
17 comply with the Vaccine Requirement.

18
19 31. Plaintiff Miller is a Catholic Christian, and sincerely held a religious belief that life
20 begins at conception, and God's Commandment that "Thou Shall not Murder"
21 applied to fertilized human cells." Consistent with that religious belief, the religious
22 practices and observances included not receiving a single injection of any of the three
23 COVID vaccines because they were developed or tested using cell lines derived from
24 an aborted fetus.
25
26

- 1 32. Plaintiff Miller also sincerely held a religious belief that the human body is sacred.
2 The religious practice and observance associated with that belief forbade introducing
3 foreign substances, including the COVID-19 vaccine, into the sacred human body.
4 violates his religious principles about bodily integrity.
5
- 6 33. On August 25, 2021, Plaintiff Miller submitted a religious exemption request form
7 to Defendants that notified them about the sincerely held religious belief and how it
8 conflicted with the ability to comply with the Vaccine Requirement.
9
- 10 34. Defendants then considered Plaintiff Miller's religious exemption request, they
11 determined a sincerely held a religious belief conflicted with the ability to comply
12 with the Vaccine Requirement, Defendants granted the religious exemption, and on
13 September 14, 2021, they notified the Plaintiff about their decision.
14
- 15 35. In the same notice, and without further input from the Plaintiff regarding
16 accommodating the exemption, Defendants determined they could not accommodate
17 Plaintiff's religious practices and observances in the Plaintiff's current job because
18 "the essential functions of [the] position require unavoidable and/or unpredictable
19 interactions with others in the workplace and/or with members [of] (*sic*) the public."
20
- 21 36. The only possible accommodation Defendants would consider is the possibility of
22 reassignment to a currently funded, equal or less paying, and available job that had
23 no job duty requiring the possibility of interactions with co-workers or the public for
24 which Plaintiff was qualified to perform.
25
26

37. Defendants warned, however, that job reassignments were limited, and there was no guarantee that any such job was available.

38. Based on these reassignment limitations, there was no reassignment position available to the Plaintiff

39. Defendants sent a letter on September 27, 2021, that stated his request for a religious exemption had not been approved.

40. On October 18, 2021, the State terminated this employee's continued public employment without the employee's consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

D. Plaintiff Adam Bogle

41. Plaintiff Bogle sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

42. Plaintiff Bogle accepted Jesus Christ as his personal savior as a very young child. In 2016, he became an ordained minister. Minister Bogle adheres to the tenets of faith of the Dutch Reform Church of America. Amongst his sincerely held religious beliefs is Divine providence. Accordingly, Minister Bogle sincerely held a religious belief that I Corinthians 6:19–20 and 10:31 require humans to regard their bodies as a temple of God's Holy Spirit and creator and possessor of their very bodies and that they should not defile them.

43. Minister Bogles religious practices and observances with his beliefs are that he could not be injected with a COIVD-19 vaccine because they contained neurotoxins,

1 hazardous substances, attenuated viruses, animal cells, foreign DNA, albumin from
2 human blood, carcinogens, and chemical wastes that would defile the body. If he
3 were to do so, then Minister Bogle could not, in good faith, counsel others about these
4 religious beliefs.
5

6 44. On September 13, 2021, Minister Bogle submitted a religious exemption request
7 form that notified the Defendants about the sincerely held religious beliefs and how
8 the conflicted with the ability to comply with the Vaccine Requirement.
9

10 45. Defendants then considered Minister Bogle's request for a religious exemption, they
11 determined a sincerely held a religious belief conflicted with the ability to comply
12 with the Vaccine Requirement, they granted the exemption, and they notified
13 Minister Bogle about the decision.
14

15 46. In the same notice, and without further input from Minister Bogle regarding
16 accommodating the exemption, Defendants determined they could not accommodate
17 Minister Bogle's religious belief in Minister Bogle's current position because "the
18 essential functions of your position require unavoidable and/or unpredictable
19 interactions with others in the workplace and/or with members [of] (*sic*) the public."
20

21 47. The only possible accommodation Defendants would consider is the possibility of
22 reassignment to a currently funded, equal or less paying, available job that had no job
23 duty that could require interactions with co-workers or the public, and for which
24 Minister Bogle was qualified to perform.
25
26

1 48. Defendants warned, however, that reassignment positions were limited, and there
2 was no guarantee that any such job was available.

3 49. Based on these reassignment limitations, there was no job reassignment possible for
4 Minister Bogle.

5 50. October 18, 2021, the State terminated Minister Bogle's continued public
6 employment without his consent for not complying with the Vaccine Requirement
7 and for the religious exemption having not been accommodated.
8
9

10 **E. Plaintiff Andre Lyle**

11 51. Plaintiff Lyle sincerely held a religious belief that conflicted with the ability to
12 comply with the Vaccine Requirement.

13 52. Plaintiff Lyle is a Christian. He sincerely held a religious belief that a person was
14 required to protect their body from defilement according to God's law.
15

16 53. Consistent with his religious belief, Plaintiff Lyle had a religious practice or
17 observance that he could not be injected with a COVID-19 vaccine because they
18 contained neurotoxins, hazardous substances, attenuated viruses, animal parts,
19 foreign DNA, albumin from human blood, carcinogens and/or chemical wastes
20 because they would defy the body. The vaccines identified in the Vaccine
21 requirements contained one or more of the things identified in the prior sentence and,
22 therefore, being injected with any one of these vaccines would cause his to abandon
23 his sincerely-held religious belief. \
24
25
26

1 54. On October 1, 2021, Plaintiff Lyle submitted a religious exemption request form that
2 notified the Defendants about the sincerely held religious belief and how it conflicted
3 with the ability to comply with the Vaccine Requirement.
4

5 55. Defendants then considered Plaintiff Lyle's request for a religious exemption, they
6 determined a sincerely held religious belief conflicted with the ability to comply with
7 the Vaccine Requirement, they granted the exemption, and on September 14, 2021,
8 and they notified the Plaintiff about the decision.
9

10 56. In the same notice, and without further input from the Plaintiff regarding
11 accommodating the exemption, Defendants determined they could not accommodate
12 Plaintiff's religious belief in the Plaintiff's current job because "the essential
13 functions of your position require unavoidable and/or unpredictable interactions with
14 others in the workplace and/or with members [of] (*sic*) the public."
15

16 57. The only possible accommodation Defendants would consider is the possibility of
17 reassignment to a currently funded, equal or less paying, available job that had no job
18 duty that could require interaction with co-workers or the public, and that Plaintiff
19 was qualified to perform.
20

21 58. Defendants warned, however, that reassignment positions were limited, and there
22 was no guarantee that any such job was available.
23

24 59. Based on these reassignment limitations, there was no reassignment position
25 available to which Plaintiff could be transferred.
26

60. On October 18, 2021, the State terminated this employee's continued public employment without the employee's consent for not complying with the Vaccine Requirement and the religious exemption having not been accommodated.

F. Plaintiff Blaine Schiess

61. Plaintiff Schiess sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

62. Plaintiff Schiess believes in a higher power whose guidance directs spiritual understanding and religious practices, particularly concerning matters of life, health, and bodily integrity. Plaintiff sincerely held a religious belief that healing comes through prayer and divine intervention, and that a person's body should not be violated by substances that raise spiritual distress. Plaintiff

63. Plaintiff also sincerely held a religious belief that when something evokes fear or a sense of danger to the soul, it is a sign from God to abstain.

64. Plaintiff sincerely held a religious belief, based on Proverbs 2:1–9, that God provides wisdom and protection,

65. Plaintiff's religious practices or observances that emanate from these sincerely held religious beliefs include: avoiding fear-based thinking and modern medical interventions rely on thought, love, and spiritual discernment for healing. They believe, based on Proverbs 2:1–9, that God provides wisdom and protection, and that accepting the vaccine would violate their religious understanding and relationship

1 with God. and that accepting the vaccine would violate their religious understanding
2 and relationship with God.

3
4 66. On August 26, 2021, Plaintiff Schiess submitted a religious exemption request form
5 that notified the Defendants about the sincerely held religious belief and how it
6 conflicted with the ability to comply with the Vaccine Requirement.

7
8 67. Subsequently, Defendants requested additional information from Plaintiff Schiess
9 regarding the religious belief and how the religious belief conflicted with the ability
10 to comply with the Vaccine Requirement.

11 68. On August 27, 2021, Plaintiff Schiess complied with Defendants' request and
12 provided the supplemental information about the sincerely held religious beliefs and
13 how the belief conflicted with the ability to comply with the Vaccine Requirement.

14
15 69. Defendants then considered Plaintiff Schiess's request for a religious exemption, they
16 determined a sincerely held a religious belief conflicted with the ability to comply
17 with the Vaccine Requirement, they granted the exemption, and they notified the
18 Plaintiff about the decision.

19
20 70. In the same notice, and without further input from the Plaintiff regarding
21 accommodating the exemption, Defendants determined they could not accommodate
22 Plaintiff's religious belief in the Plaintiff's current position because "the essential
23 functions of your position require unavoidable and/or unpredictable interactions with
24 others in the workplace and/or with members [of] (*sic*) the public."
25
26

1 71. The only possible accommodation Defendants would consider is the possibility of
2 reassignment to a currently funded, equal or less paying, available job that had no job
3 duty that would require unavoidable and/or unpredictable interactions with co-
4 workers or the public, and that Plaintiff was qualified to perform.

5
6 72. Defendants warned, however, that reassignment positions were limited and there was
7 no guarantee that any such job was available.

8
9 73. In fact, there were no reassignment position available to the Plaintiff based on the
10 reassignment limitations.

11 74. On October 18, 2021, the State terminated this employee's continued public
12 employment without the employee's consent for not complying with the Vaccine
13 Requirement and the religious exemption was not accommodated.

14
15 75. After Plaintiff Schiess' religious exemption was granted, on information and belief,
16 approximately four different times, Plaintiff Schiess' supervisor visited him at
17 various jobsites applying pressure to get the COVID-19 vaccine.

18
19 76. Plaintiff Schiess' supervisor asked Plaintiff to reconsider his religious beliefs and get
20 the COVID-19 vaccine.

21 77. On or about September 30, 2021, Plaintiff Schiess' direct supervisor and his
22 supervisor showed up at Plaintiff's residences unannounced and openly asked
23 Plaintiff four or five times to change his religious beliefs and get the COVID-19
24 vaccine because of the negative impact it would have on the office.
25
26

1 78. During that conversation, Plaintiff's supervisors stated they could get Plaintiff's
 2 position changed to work from home permanently if Plaintiff could just change his
 3 religious beliefs and get the COVID-19 vaccine.
 4

5 79. Plaintiff Schiess received notice of separation from Defendants effective October 18,
 6 2021.

7 80. On or about October 18, 2021, Plaintiff Schiess was terminated from his job.
 8

9 **G. Plaintiff Bradley Sawaya**

10 81. Plaintiff Sawaya sincerely held a religious belief that conflicted with the ability to
 11 comply with the Vaccine Requirement.
 12

13 82. Plaintiff Sawaya is a Christian. Although not baptized as child, in 2010 at
 14 approximately 28 years old, he was baptized by Pastor Bruce Campbell of the Grace
 15 Community church and publicly professed his faith and love for Jesus. Plaintiff
 16 Sawaya was vaccinated as a child with all the usual vaccines. He did not know then
 17 what he knows now about vaccines and aborted fetal cells. He would likely never
 18 take vaccines again. But his main reason for not taking the Covid-19 Experimental
 19 MRNA gene therapy is much, much deeper and important: his reasoning was not
 20 only for the potential health dangers of this gene therapy but was more of a spiritual
 21 concern. Plaintiff Sawaya believes that the entire COVID-19 scandal was merely part
 22 of Satan's plan to lay the foundations of his "Beast System." He saw the Governor of
 23 New York stating that if you didn't take the shot, you would not be able to go
 24 anywhere, even the grocery store, no travel, etc., and he knew it was time to make a
 25
 26

conscious decision to stand up to Satan and say NO, by drawing a clear line in the sand, so to speak, with a decision to not take such a symbolic experimental bodily injection, which apparently gives you all this freedom to live and embrace the things of this world, which is what Jesus warns about.

83. On August 22, 2021, Plaintiff Sawaya submitted a religious exemption request form that notified the Defendants about the sincerely-held religious belief and how it conflicted with the ability to comply with the Vaccine Requirement.

84. Subsequently, Defendants requested additional information from Plaintiff Sawaya regarding the religious belief and how the religious belief conflicted with the ability to comply with the Vaccine Requirement.

85. On August 29, 2021, Plaintiff Sawaya complied with Defendants' request and provided the supplemental information about the sincerely held religious beliefs and how the belief conflicted with the ability to comply with the Vaccine Requirement.

86. Defendants then considered Plaintiff Sawaya's request for a religious exemption, they determined a sincerely held a religious belief conflicted with the ability to comply with the Vaccine Requirement, they granted the exemption, and they notified the Plaintiff about the decision.

87. In the same notice, and without further input from the Plaintiff regarding accommodating the exemption, Defendants determined they could not accommodate Plaintiff's religious belief in the Plaintiff's current position because "the essential

1 functions of your position require unavoidable and/or unpredictable interactions with
2 others in the workplace and/or with members [of] (*sic*) the public.”

3
4 88. The only possible accommodation Defendants would consider is the possibility of
5 reassignment to a currently funded, equal or less paying, available job that had no job
6 duty that would require unavoidable and/or unpredictable interactions with co-
7 workers or the public, and that Plaintiff was qualified to perform.

8
9 89. Defendants warned, however, that reassignment positions were limited and there was
10 no guarantee that any such job was available.

11 90. In fact, there were no reassignment position available to the Plaintiff based on the
12 reassignment limitations.

13
14 91. On October 18, 2021, the State terminated this employee’s continued public
15 employment without the employee’s consent for not complying with the Vaccine
16 Requirement and the religious exemption was not accommodated.

17 92. Plaintiff Sawaya submitted a Statement of Declination of COVID-19 Vaccine
18 Product on or about October 13, 2021.

19
20 **H. Plaintiff Casey Burns**

21 93. Plaintiff Burns sincerely held a religious belief that conflicted with the ability to
22 comply with the Vaccine Requirement.

23
24 94. Plaintiff Burns is a Baptist. As he tried to explain to WSDOT when COVID-19
25 vaccination was demanded, the COVID-19 vaccines conflict with his religion
26 because of the contents including fetal cells. Moreover, he has the religious beliefs

1 that his body is a temple to Jesus Christ, so anything he puts in his body must glorify
2 Him. Corinthians 3:16-17, Cor. 6:19-20.

3
4 95. On September 2, 2021, Plaintiff Burns submitted a religious exemption request form
5 that notified the Defendants about the sincerely-held religious belief and how it
6 conflicted with the ability to comply with the Vaccine Requirement.

7
8 96. Subsequently, Defendants requested additional information from Plaintiff Burns
9 regarding the religious belief and how the religious belief conflicted with the ability
10 to comply with the Vaccine Requirement.

11 97. On September 4, 2021, Plaintiff Burns complied with Defendants' request and
12 provided the supplemental information about the sincerely held religious beliefs and
13 how the belief conflicted with the ability to comply with the Vaccine Requirement.

14
15 98. Defendants then considered Plaintiff Burns's request for a religious exemption, they
16 determined a sincerely held a religious belief conflicted with the ability to comply
17 with the Vaccine Requirement, they granted the exemption, and they notified the
18 Plaintiff about the decision.

19
20 99. In the same notice, and without further input from the Plaintiff regarding
21 accommodating the exemption, Defendants determined they could not accommodate
22 Plaintiff's religious belief in the Plaintiff's current position because "the essential
23 functions of your position require unavoidable and/or unpredictable interactions with
24 others in the workplace and/or with members [of] (*sic*) the public."
25
26

1 100. The only possible accommodation Defendants would consider is the possibility of
2 reassignment to a currently funded, equal or less paying, available job that had no job
3 duty that would require unavoidable and/or unpredictable interactions with co-
4 workers or the public, and that Plaintiff was qualified to perform.

5
6 101. Defendants warned, however, that reassignment positions were limited and there was
7 no guarantee that any such job was available.

8 102. In fact, there were no reassignment positions available to the Plaintiff based on the
9 reassignment limitations.

10
11 103. On October 18, 2021, the State terminated this employee's continued public
12 employment without the employee's consent for not complying with the Vaccine
13 Requirement and the religious exemption was not accommodated.

14
15 104. Plaintiff Burns submitted a Reasonable Accommodation Reassignment Form on or
16 about October 14, 2021.

17 **I. Plaintiff Caitlyn Lomen-Carr**

18 105. Plaintiff Lomen-Carr sincerely held a religious belief that conflicted with the ability
19 to comply with the Vaccine Requirement.

20
21 106. Plaintiff is a Jehovah's Witness In 2010, after receiving her final flu shot, she ceased
22 to inject foreign matter into her body, due to not knowing the true ingredients of
23 vaccines. As she tried to explain to WSDOT when COVID-19 vaccination was
24 demanded, there was the possibility that the COVID-19 vaccines could have fetal
25 cells, and injecting that into her body would go against her religion; and injecting
26

1 fetal cells would be similar to taking blood (which is forbidden to Jehovah's
2 Witnesses). Ms. Lomen-Carr refuses to inject anything into her body that represents
3 life.

4
5 107. On September 9, 2021, Plaintiff Lomen-Carr submitted a religious exemption request
6 form that notified the Defendants about the sincerely-held religious belief and how it
7 conflicted with the ability to comply with the Vaccine Requirement.

8
9 108. Subsequently, Defendants requested additional information from Plaintiff Lomen-
10 Carr regarding the religious belief and how the religious belief conflicted with the
11 ability to comply with the Vaccine Requirement.

12
13 109. On September 14, 2021, Plaintiff Lomen-Carr complied with Defendants' request
14 and provided the supplemental information about the sincerely held religious beliefs
15 and how the belief conflicted with the ability to comply with the Vaccine
16 Requirement.

17
18 110. Defendants then considered Plaintiff Lomen-Carr's request for a religious exemption,
19 they determined a sincerely held a religious belief conflicted with the ability to
20 comply with the Vaccine Requirement, they granted the exemption, and they notified
21 the Plaintiff about the decision.

22
23 111. In the same notice, and without further input from the Plaintiff regarding
24 accommodating the exemption, Defendants determined they could not accommodate
25 Plaintiff's religious belief in the Plaintiff's current position because "the essential
26

1 functions of your position require unavoidable and/or unpredictable interactions with
2 others in the workplace and/or with members [of] (*sic*) the public.”

3
4 112. The only possible accommodation Defendants would consider is the possibility of
5 reassignment to a currently funded, equal or less paying, available job that had no job
6 duty that would require unavoidable and/or unpredictable interactions with co-
7 workers or the public, and that Plaintiff was qualified to perform.

8
9 113. Defendants warned, however, that reassignment positions were limited and there was
10 no guarantee that any such job was available.

11 114. In fact, there were no reassignment positions available to the Plaintiff based on the
12 reassignment limitations.

13
14 115. On October 18, 2021, the State terminated this employee’s continued public
15 employment without the employee’s consent for not complying with the Vaccine
16 Requirement and the religious exemption was not accommodated.

17 **J. Plaintiff Christodoulos Paneris**

18
19 116. Plaintiff Paneris sincerely held a religious belief that conflicted with the ability to
20 comply with the Vaccine Requirement.

21 117. As a Christian, Plaintiff Paneris believes his body is the temple of the Holy Spirit and
22 must be kept clean and holy in obedience to God, as taught in 1 Corinthians 6:19–20
23 and other scriptures. He believes the COVID-19 vaccines contain toxins,
24 contaminants, and may involve the use of aborted fetal cell lines, all of which violate
25 his conscience and faith. His religion requires that decisions affecting his body and
26

1 health be led by God alone, not by coercion or fear. Plaintiff's spiritual relationship
2 with God, Jesus Christ, and the Holy Spirit is central to his faith, and maintaining a
3 clear conscience before God is essential. Based on these beliefs, receiving the vaccine
4 would have defiled his body and violated his religious convictions.
5

6 118. On or about September 24, 2021, Plaintiff Paneris submitted a religious exemption
7 request form that notified the Defendants about the sincerely-held religious belief and
8 how it conflicted with the ability to comply with the Vaccine Requirement.
9

10 119. Subsequently, Defendants requested additional information from Plaintiff Paneris
11 regarding the religious belief and how the religious belief conflicted with the ability
12 to comply with the Vaccine Requirement.
13

14 120. On or about September 24, 2021, Plaintiff Paneris complied with Defendants' request
15 and provided the supplemental information about the sincerely held religious beliefs
16 and how the belief conflicted with the ability to comply with the Vaccine
17 Requirement.
18

19 121. Defendants then considered Plaintiff Paneris's request for a religious exemption, they
20 determined a sincerely held a religious belief conflicted with the ability to comply
21 with the Vaccine Requirement, they granted the exemption, and they notified the
22 Plaintiff about the decision.
23

24 122. In the same notice, and without further input from the Plaintiff regarding
25 accommodating the exemption, Defendants determined they could not accommodate
26 Plaintiff's religious belief in the Plaintiff's current position because "the essential

functions of your position require unavoidable and/or unpredictable interactions with others in the workplace and/or with members [of] (*sic*) the public.”

123. The only possible accommodation Defendants would consider is the possibility of reassignment to a currently funded, equal or less paying, available job that had no job duty that would require unavoidable and/or unpredictable interactions with co-workers or the public, and that Plaintiff was qualified to perform.

124. Defendants warned, however, that reassignment positions were limited and there was no guarantee that any such job was available.

125. In fact, there were no reassignment positions available to the Plaintiff based on the reassignment limitations.

126. On or about September 28, 2021, Plaintiff Paneris went on approved medical leave, due to a non-COVID related medical condition.

127. Due to his approved leave, Plaintiff Paneris was not terminated on October 18, 2021.

128. On March 4, 2022, the State terminated this employee’s continued public employment without the employee’s consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

K. Plaintiff Daniel Hjelmeseeth

129. Plaintiff Hjelmeseeth sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

1 130. Plaintiff Hjelmeseeth was raised Catholic. His faith requires obedience to God and
2 Jesus over all things of mankind. His upbringing has instilled in him a sincere
3 religious belief in the sanctity of human life from the moment of conception. As he
4 tried to explain to WSDOT when COVID-19 vaccination was demanded, as a God-
5 fearing Christian, he believes his body belongs to God as told in 1 Corinthians 6:19-
6 20 NIV. Because the COVID-19 vaccines were developed using aborted fetal cells,
7 Mr. Hjelmeseeth could not in good conscience ignore the fact that another God created
8 human life was literally sacrificed in the creation of this vaccine. His faith prohibits
9 him from participating in or benefiting from an abortion, no matter how remotely in
10 time that abortion occurred.
11

12
13 131. On August 21, 2021, Plaintiff Hjelmeseeth submitted a religious exemption request
14 form that notified the Defendants about the sincerely-held religious belief and how it
15 conflicted with the ability to comply with the Vaccine Requirement.
16

17 132. Subsequently, Defendants requested additional information from Plaintiff
18 Hjelmeseeth regarding the religious belief and how the religious belief conflicted with
19 the ability to comply with the Vaccine Requirement.
20

21 133. On August 25, 2021, Plaintiff Hjelmeseeth complied with Defendants' request and
22 provided the supplemental information about the sincerely held religious beliefs and
23 how the belief conflicted with the ability to comply with the Vaccine Requirement.
24

25 134. Defendants then considered Plaintiff Hjelmeseeth's request for a religious exemption,
26 they determined a sincerely held a religious belief conflicted with the ability to

1 comply with the Vaccine Requirement, they granted the exemption, and they notified
2 the Plaintiff about the decision.

3
4 135. In the same notice, and without further input from the Plaintiff regarding
5 accommodating the exemption, Defendants determined they could not accommodate
6 Plaintiff's religious belief in the Plaintiff's current position because "the essential
7 functions of your position require unavoidable and/or unpredictable interactions with
8 others in the workplace and/or with members [of] (*sic*) the public."

9
10 136. The only possible accommodation Defendants would consider is the possibility of
11 reassignment to a currently funded, equal or less paying, available job that had no job
12 duty that would require unavoidable and/or unpredictable interactions with co-
13 workers or the public, and that Plaintiff was qualified to perform.

14
15 137. Defendants warned, however, that reassignment positions were limited and there was
16 no guarantee that any such job was available.

17
18 138. In fact, there were no reassignment positions available to the Plaintiff based on the
19 reassignment limitations.

20
21 139. On or about October 11, 2021, under duress, Plaintiff Hjelmseth submitted his intent
22 to retire from his job.

23
24 140. On October 18, 2021, the State terminated this employee's continued public
25 employment without the employee's consent for not complying with the Vaccine
26 Requirement and the religious exemption was not accommodated.

L. Plaintiff David Lawton

141. Plaintiff Lawton sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

142. Plaintiff Lawton is a baptized Catholic whose sincerely held religious beliefs prohibit him from receiving the COVID-19 vaccine. Plaintiff Lawton believes it is a moral obligation to reject any medical product developed or tested using abortion-derived cell lines, which he considers a violation of human dignity and conscience. Guided by Catholic doctrine and his own informed judgment, he believes the vaccine's association with unborn life is fundamentally incompatible with his faith. Mr. Lawton's convictions are grounded in a lifetime of spiritual belief, including during his decades of service in the U.S. military, and reflect both his commitment to the teachings of the Catholic Church and his personal relationship with God.

143. On September 10, 2021, Plaintiff Lawton submitted a religious exemption request form that notified the Defendants about the sincerely-held religious belief and how it conflicted with the ability to comply with the Vaccine Requirement.

144. Subsequently, Defendants requested additional information from Plaintiff Lawton regarding the religious belief and how the religious belief conflicted with the ability to comply with the Vaccine Requirement.

145. On September 11, 2021, Plaintiff Lawton complied with Defendants' request and provided the supplemental information about the sincerely held religious beliefs and how the belief conflicted with the ability to comply with the Vaccine Requirement.

1 146. Defendants then considered Plaintiff Lawton's request for a religious exemption, they
2 determined a sincerely held religious belief conflicted with the ability to comply
3 with the Vaccine Requirement, they granted the exemption, and they notified the
4 Plaintiff about the decision.
5

6 147. In the same notice, and without further input from the Plaintiff regarding
7 accommodating the exemption, Defendants determined they could not accommodate
8 Plaintiff's religious belief in the Plaintiff's current position because "the essential
9 functions of your position require unavoidable and/or unpredictable interactions with
10 others in the workplace and/or with members [of] (*sic*) the public."
11

12 148. The only possible accommodation Defendants would consider is the possibility of
13 reassignment to a currently funded, equal or less paying, available job that had no job
14 duty that would require unavoidable and/or unpredictable interactions with co-
15 workers or the public, and that Plaintiff was qualified to perform.
16

17 149. Defendants warned, however, that reassignment positions were limited and there was
18 no guarantee that any such job was available.

19 150. In fact, there were no reassignment positions available to the Plaintiff based on the
20 reassignment limitations.
21

22 151. On or about September 20, 2021, under duress, Plaintiff Lawton submitted his intent
23 to retire under protest on December 31, 2021.
24
25
26

1 152. On October 18, 2021, the State terminated this employee's continued public
 2 employment without the employee's consent for not complying with the Vaccine
 3 Requirement and the religious exemption was not accommodated.
 4

5 **M. Plaintiff Deborah Fletcher**

6 153. Plaintiff Fletcher sincerely held a religious belief that conflicted with the ability to
 7 comply with the Vaccine Requirement.
 8

9 154. Plaintiff Fletcher is a Christian, born and raised in a Nazarene denominational church.
 10 She accepted God's gift of Jesus being her Savior and taking her place of punishment
 11 when she was five. As she grew older, she learned how to hear from the Holy Spirit
 12 through His Word, other disciples of Jesus Christ, and in her own being. She believes
 13 that Jesus is the essence of life, is everywhere, created everything, knows all things,
 14 and gives us the very air that we breathe, and that Jesus took our place, knowing we
 15 couldn't live a perfect life nor pay for our innumerable sins that go against God's
 16 perfect way of living. Therefore, she serves Him to the best of her ability, out of pure
 17 gratitude and love for what He has done for her. Ms. Fletcher's faith requires
 18 obedience to Him and what He has told mankind in the Bible. That includes the
 19 Bible's teachings against the taking of a human life. Therefore, as she tried to explain
 20 to WSDOT when COVID-19 vaccination was demanded, she cannot condone or
 21 benefit from anything having to do with taking a human life. Ms. Fletcher
 22 understands that the manufacturers of the COVID-19 shots used aborted fetal cell
 23 lines as part of their development and/or testing of the vaccines. Her faith prohibits
 24 her from participating in or benefiting from an abortion, no matter how remotely in
 25
 26

1 time that abortion occurred, therefore, she is morally opposed to vaccines which
2 derive from aborted fetal tissues. Also, she prayed to God asking for direction
3 regarding the COVID-19 "vaccination" requirement, and the Holy Spirit moved on
4 her heart and conscience that she must not accept the COVID-19 shot. If she were to
5 go against the moving of the Holy Spirit, she would be sinning and jeopardizing her
6 relationship with God.
7

8 155. On August 30, 2021, Plaintiff Fletcher submitted a religious exemption request form
9 that notified the Defendants about the sincerely-held religious belief and how it
10 conflicted with the ability to comply with the Vaccine Requirement.
11

12 156. Subsequently, Defendants requested additional information from Plaintiff Fletcher
13 regarding the religious belief and how the religious belief conflicted with the ability
14 to comply with the Vaccine Requirement.
15

16 157. On September 1, 2021, Plaintiff Fletcher complied with Defendants' request and
17 provided the supplemental information about the sincerely held religious beliefs and
18 how the belief conflicted with the ability to comply with the Vaccine Requirement.
19

20 158. Defendants then considered Plaintiff Fletcher's request for a religious exemption,
21 they determined a sincerely held a religious belief conflicted with the ability to
22 comply with the Vaccine Requirement, they granted the exemption, and they notified
23 the Plaintiff about the decision.
24

25 159. In the same notice, and without further input from the Plaintiff regarding
26 accommodating the exemption, Defendants determined they could not accommodate

Plaintiff's religious belief in the Plaintiff's current position because "the essential functions of your position require unavoidable and/or unpredictable interactions with others in the workplace and/or with members [of] (*sic*) the public."

160. The only possible accommodation Defendants would consider is the possibility of reassignment to a currently funded, equal or less paying, available job that had no job duty that would require unavoidable and/or unpredictable interactions with co-workers or the public, and that Plaintiff was qualified to perform.

161. Defendants warned, however, that reassignment positions were limited and there was no guarantee that any such job was available.

162. In fact, there were no reassignment positions available to the Plaintiff based on the reassignment limitations.

163. Plaintiff submitted a Reasonable Accommodation Reassignment Form on or about September 16, 2021.

164. On October 18, 2021, the State terminated this employee's continued public employment without the employee's consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

N. Plaintiff Donna Tegnell

165. Plaintiff Tegnell sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

166. Plaintiff Tegnell is a Christian whose sincere religious beliefs prohibit her from receiving any mRNA COVID-19 vaccines due to its use of aborted fetal cell lines,

1 which she believes violates God's commandments against murder and defiles her
2 obligation to honor God through her body. She has spent considerable time in prayer
3 and study of scripture and is convicted by the Holy Spirit that receiving an mRNA
4 vaccine would be a sin. Plaintiff Tegnell believes accepting such a vaccine would
5 directly conflict with her duty to follow God's law and not man's mandate. While
6 she is not categorically opposed to all vaccines, expressing willingness to take
7 Novavax, a non-mRNA vaccine without fetal cell lines, she cannot, in good
8 conscience, accept an mRNA vaccine and requested reasonable accommodation from
9 her employer based on these sincerely held religious beliefs.
10

11
12 167. On September 13, 2021, Plaintiff Tegnell submitted a religious exemption request
13 form that notified the Defendants about the sincerely-held religious belief and how it
14 conflicted with the ability to comply with the Vaccine Requirement.

15
16 168. Defendants then considered Plaintiff Tegnell's request for a religious exemption,
17 they determined a sincerely held a religious belief conflicted with the ability to
18 comply with the Vaccine Requirement, they granted the exemption, and they notified
19 the Plaintiff about the decision.

20
21 169. In the same notice, and without further input from the Plaintiff regarding
22 accommodating the exemption, Defendants determined they could not accommodate
23 Plaintiff's religious belief in the Plaintiff's current position because "the essential
24 functions of your position require unavoidable and/or unpredictable interactions with
25 others in the workplace and/or with members [of] (*sic*) the public."
26

1 170. The only possible accommodation Defendants would consider is the possibility of
2 reassignment to a currently funded, equal or less paying, available job that had no job
3 duty that would require unavoidable and/or unpredictable interactions with co-
4 workers or the public, and that Plaintiff was qualified to perform.

5
6 171. Defendants warned, however, that reassignment positions were limited and there was
7 no guarantee that any such job was available.

8
9 172. In fact, there were no reassignment positions available to the Plaintiff based on the
10 reassignment limitations.

11 173. Plaintiff stated she would like to wait for the Novavax, a non mRNA vaccine,

12 174. Upon being made aware of a Facebook post by WSDOT/WSF Human Resources
13 Deputy Director that Kimberly Monroe Flaig, which stated, “Those who choose not
14 to vax in the name of stupidity can stand in line to get paid for their shot after they
15 no longer have a paycheck to cash,” Plaintiff Tegnell, who had submitted a religious
16 exemption and requested accommodation while awaiting availability of a non mRNA
17 vaccine, Novavax, requested a *Loudermill* hearing and sought to use her FMLA as a
18 temporary solution while she awaited Novavax to be ready for distribution in the
19 United States.
20

21
22 175. This comment made by the Human Resources Director at WSDOT/WSF, caused
23 Plaintiff Tegnell concern that individuals asserting religious objection to the vaccine
24 were being publicly mocked or targeted, and that her job was in jeopardy.
25
26

176. On October 18, 2021, the State terminated this employee's continued public employment without the employee's consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

O. Plaintiff Dylan Beckner

177. Plaintiff Dylan Beckner sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

178. Plaintiff Dylan Beckner has always believed in God. From a young age, his grandmother played a central role in shaping his faith by instilling in him the importance of prayer, trusting in God's plan, and living according to the teachings of their religion. Her spiritual guidance laid the foundation for his lifelong relationship with God, and her influence continues to anchor his conscience and decisions. Based on these sincerely held religious beliefs, Plaintiff Dylan Beckner objected to receiving a COVID-19 vaccine that he believes would violate that spiritual foundation and his obligation to honor God's design for his body and life

179. On September 8, 2021, Plaintiff Dylan Beckner submitted a religious exemption request form that notified the Defendants about the sincerely-held religious belief and how it conflicted with the ability to comply with the Vaccine Requirement.

180. Defendants then considered Plaintiff Dylan Beckner's request for a religious exemption, they determined a sincerely held a religious belief conflicted with the ability to comply with the Vaccine Requirement, they granted the exemption, and they notified the Plaintiff about the decision.

181. In the same notice, and without further input from the Plaintiff regarding accommodating the exemption, Defendants determined they could not accommodate Plaintiff's religious belief in the Plaintiff's current position because "the essential functions of your position require unavoidable and/or unpredictable interactions with others in the workplace and/or with members [of] (*sic*) the public."

182. The only possible accommodation Defendants would consider is the possibility of reassignment to a currently funded, equal or less paying, available job that had no job duty that would require unavoidable and/or unpredictable interactions with co-workers or the public, and that Plaintiff was qualified to perform.

183. Defendants warned, however, that reassignment positions were limited and there was no guarantee that any such job was available.

184. In fact, there were no reassignment positions available to the Plaintiff based on the reassignment limitations.

185. On October 18, 2021, the State terminated this employee's continued public employment without the employee's consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

P. Plaintiff Erik Hansen

186. Plaintiff Hansen sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

187. Plaintiff Hansen is a Christian. As he tried to explain to WSDOT when COVID-19 vaccination was demanded, Mr. Hansen believes that human blood is sacred, and life

1 is found in the blood, that salvation was purchased by the spilt blood of Jesus Christ,
 2 and that the body is the temple of the Holy Spirit and as such, should not be used for
 3 medical treatment that is experimental and has unknown side effects. 1 Corinthians
 4 6:19-20. Furthermore, fetal cell lines were used during the research, development,
 5 and testing of the vaccine, which goes against Mr. Hansen's religious and personal
 6 views about abortion.
 7

8 188. On September 20, 2021, Plaintiff Hansen submitted a religious exemption request
 9 form that notified the Defendants about the sincerely-held religious belief and how it
 10 conflicted with the ability to comply with the Vaccine Requirement.
 11

12 189. Defendants then considered Plaintiff Hansen's request for a religious exemption, they
 13 determined a sincerely held a religious belief conflicted with the ability to comply
 14 with the Vaccine Requirement, they granted the exemption, and they notified the
 15 Plaintiff about the decision.
 16

17 190. In the same notice, and without further input from the Plaintiff regarding
 18 accommodating the exemption, Defendants determined they could not accommodate
 19 Plaintiff's religious belief in the Plaintiff's current position because "the essential
 20 functions of your position require unavoidable and/or unpredictable interactions with
 21 others in the workplace and/or with members [of] (*sic*) the public."
 22

23 191. The only possible accommodation Defendants would consider is the possibility of
 24 reassignment to a currently funded, equal or less paying, available job that had no job
 25
 26

1 duty that would require unavoidable and/or unpredictable interactions with co-
2 workers or the public, and that Plaintiff was qualified to perform.

3
4 192. Defendants warned, however, that reassignment positions were limited and there was
5 no guarantee that any such job was available.

6 193. In fact, there were no reassignment positions available to the Plaintiff based on the
7 reassignment limitations.

8
9 194. On or about October 7, 2021, Plaintiff Hansen requested a *Loudermill* hearing.

10 195. HR Deputy Director Monroe responded that Plaintiff Hansen would not receive a
11 *Loudermill* hearing since *Loudermill* hearing was for handling at-fault terminations.

12
13 196. On or about October 13, 2021, based upon Deputy Monroe's Facebook post
14 described above, and the fact that Monroe's religious exemption letter misstated
15 Plaintiff Hansen's job, Plaintiff Hansen requested someone else evaluate his
16 accommodation request.

17
18 197. On October 18, 2021, the State terminated this employee's continued public
19 employment without the employee's consent for not complying with the Vaccine
20 Requirement and the religious exemption was not accommodated.

21 **Q. Plaintiff Gary Gordon**

22 198. Plaintiff Gordon sincerely held a religious belief that conflicted with the ability to
23 comply with the Vaccine Requirement.
24
25
26

199. Plaintiff Gordon is a Christian. As he tried to explain to WSDOT when COVID-19 vaccination was demanded, the human body is the temple of God and the Spirit of God dwells within. (1 Corinthians 3:16). Therefore, as a religious necessity, Mr. Gordon cannot take anything into his body that contains or used fetal line cells in its creation or testing, since he considers abortion to be murder, which is forbidden. (Deuteronomy 5:17). He learned that the COVID-19 vaccines were created with the use of fetal line cells, cells from an aborted baby. Specifically, the Pfizer and Moderna COVID-19 vaccines used fetal cells for proof of concept during early development of mRNA vaccine technology; and the Johnson & Johnson non-replicating viral vector vaccine required the use of fetal cell cultures in order to produce and manufacture the vaccine. Mr. Gordon believes strongly in the sanctity of life as it is the Sixth Commandment, “You shall not murder” (Exodus 20:13). It is his sincere belief that God knew us before we were born, “Thus says the LORD who made you and formed you from the womb...” (Isaiah 44:2); “...The LORD has called me from the womb; from the matrix of my mother He has made mention of my name.” (Isaiah 49:1); “Before I formed you in the womb I knew you; before you were born I sanctified you...” (Jeremiah 1:5), and life begins at the point of conception, therefore a fetus within the mother's womb is a baby, a living human being, not mere tissue.

200. On August 28, 2021, Plaintiff Gordon submitted a religious exemption request form that notified the Defendants about the sincerely-held religious belief and how it

1 conflicted with the ability to comply with the Vaccine Requirement. which included
2 a letter from his pastor, Tadd Scheffer, Sr.

3
4 201. Defendants then considered Plaintiff Gordon's request for a religious exemption,
5 they determined a sincerely held a religious belief conflicted with the ability to
6 comply with the Vaccine Requirement, they granted the exemption, and they notified
7 the Plaintiff about the decision.

8
9 202. In the same notice, and without further input from the Plaintiff regarding
10 accommodating the exemption, Defendants determined they could not accommodate
11 Plaintiff's religious belief in the Plaintiff's current position because "the essential
12 functions of your position require unavoidable and/or unpredictable interactions with
13 others in the workplace and/or with members [of] (*sic*) the public."

14
15 203. The only possible accommodation Defendants would consider is the possibility of
16 reassignment to a currently funded, equal or less paying, available job that had no job
17 duty that would require unavoidable and/or unpredictable interactions with co-
18 workers or the public, and that Plaintiff was qualified to perform.

19
20 204. Defendants warned, however, that reassignment positions were limited and there was
21 no guarantee that any such job was available.

22
23 205. In fact, there were no reassignment positions available to the Plaintiff based on the
24 reassignment limitations.
25
26

206. On October 18, 2021, the State terminated this employee's continued public employment without the employee's consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

R. Plaintiff James Howard

207. Plaintiff Howard sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

208. Plaintiff Howard is a lifelong Christian whose sincerely held religious beliefs prohibit him from receiving the COVID-19 vaccine. From the age of four, his faith has been foundational to his life, guiding his daily decisions, morals, and values through biblical scripture and the teachings of his church. Plaintiff believes that his body is the temple of God (1 Corinthians 3:17), and to inject a substance such as the COVID-19 vaccine into his body would violate this sacred principle. He further grounds his objection in verses such as Leviticus 17:11 and 19:28, which inform his belief that altering or defiling his body is contrary to God's will. For Plaintiff, trust in divine protection (Psalm 118:8; Exodus 23:25) takes precedence over human mandates. Receiving the vaccine would force him to act against his conscience and deeply held religious convictions.

209. On September 10, 2021, Plaintiff Howard submitted a religious exemption request form that notified the Defendants about the sincerely-held religious belief and how it conflicted with the ability to comply with the Vaccine Requirement.

1 210. Defendants then considered Plaintiff Howard's request for a religious exemption,
2 they determined a sincerely held a religious belief conflicted with the ability to
3 comply with the Vaccine Requirement, they granted the exemption, and they notified
4 the Plaintiff about the decision.

5
6 211. In the same notice, and without further input from the Plaintiff regarding
7 accommodating the exemption, Defendants determined they could not accommodate
8 Plaintiff's religious belief in the Plaintiff's current position because "the essential
9 functions of your position require unavoidable and/or unpredictable interactions with
10 others in the workplace and/or with members [of] (*sic*) the public."

11
12 212. The only possible accommodation Defendants would consider is the possibility of
13 reassignment to a currently funded, equal or less paying, available job that had no job
14 duty that would require unavoidable and/or unpredictable interactions with co-
15 workers or the public, and that Plaintiff was qualified to perform.

16
17 213. Defendants warned, however, that reassignment positions were limited and there was
18 no guarantee that any such job was available.

19 214. In fact, there were no reassignment positions available to the Plaintiff based on the
20 reassignment limitations.

21
22 215. Plaintiff Howard submitted a reasonable accommodation reassignment form on or
23 about September 23, 2021.

24 216. Plaintiff Howard requested a *Loudermill* hearing.

25
26 217. HR Manager Sarah Smith responded that a *Loudermill* hearing was not warranted.

1 218. On October 18, 2021, the State terminated this employee's continued public
 2 employment without the employee's consent for not complying with the Vaccine
 3 Requirement and the religious exemption was not accommodated.
 4

5 **S. Plaintiff Jana Crawford**

6 219. Plaintiff Crawford sincerely held a religious belief that conflicted with the ability to
 7 comply with the Vaccine Requirement.
 8

9 220. Plaintiff Crawford is a devout Christian whose religious beliefs are central to her life
 10 and decision-making. Guided by prayer and Biblical teachings, Plaintiff believes that
 11 human life is sacred and created in God's image, and that her body is a temple
 12 protected by God. Based on these beliefs, she cannot in good conscience receive a
 13 COVID-19 vaccine developed or tested using fetal cell lines, as doing so would
 14 violate her moral and religious convictions regarding the sanctity of life. Plaintiff has
 15 consistently avoided unnecessary medications for ethical reasons and only takes
 16 necessary treatment due to a medical condition. She expressed that if she learned
 17 even that her existing medication involved fetal cell research, she would seek
 18 alternatives. Plaintiff believes that God grants each person the authority to make
 19 health decisions according to their conscience, and that government coercion in
 20 violation of those beliefs constitutes a moral and constitutional infringement. Her
 21 request was rooted in a sincere desire to honor God, not in opposition to public health.
 22
 23

24 221. On September 4, 2021, Plaintiff Crawford submitted a religious exemption request
 25 form that notified the Defendants about the sincerely-held religious belief and how it
 26 conflicted with the ability to comply with the Vaccine Requirement.

1 222. Subsequently, Defendants requested additional information from Plaintiff Crawford
2 regarding the religious belief and how the religious belief conflicted with the ability
3 to comply with the Vaccine Requirement.
4

5 223. On September 11, 2021, Plaintiff Crawford complied with Defendants' request and
6 provided the supplemental information about the sincerely held religious beliefs and
7 how the belief conflicted with the ability to comply with the Vaccine Requirement.
8

9 224. Defendants then considered Plaintiff Crawford's request for a religious exemption,
10 they determined a sincerely held a religious belief conflicted with the ability to
11 comply with the Vaccine Requirement, they granted the exemption, and they notified
12 the Plaintiff about the decision.
13

14 225. In the same notice, and without further input from the Plaintiff regarding
15 accommodating the exemption, Defendants determined they could not accommodate
16 Plaintiff's religious belief in the Plaintiff's current position because "the essential
17 functions of your position require unavoidable and/or unpredictable interactions with
18 others in the workplace and/or with members [of] (*sic*) the public."
19

20 226. The only possible accommodation Defendants would consider is the possibility of
21 reassignment to a currently funded, equal or less paying, available job that had no job
22 duty that would require unavoidable and/or unpredictable interactions with co-
23 workers or the public, and that Plaintiff was qualified to perform.
24

25 227. Defendants warned, however, that reassignment positions were limited and there was
26 no guarantee that any such job was available.

1 228. In fact, there were no reassignment positions available to the Plaintiff based on the
2 reassignment limitations.

3
4 229. On October 18, 2021, the State terminated this employee's continued public
5 employment without the employee's consent for not complying with the Vaccine
6 Requirement and the religious exemption was not accommodated.

7
8 230. Plaintiff Crawford submitted a reasonable accommodation reassignment form on or
9 about September 26, 2021.

10 231. Plaintiff Crawford requested a *Loudermill* hearing on or about November 16, 2021.

11 **T. Plaintiff Jay Sarver**

12 232. Plaintiff Sarver sincerely held a religious belief that conflicted with the ability to
13 comply with the Vaccine Requirement.

14
15 233. Plaintiff Sarver is a dedicated Christian whose spiritual and religious beliefs are
16 central to every aspect of his life. He has proudly served in the WSF Engine
17 Department for nearly eight years and values his job and colleagues, but he cannot
18 compromise his sincerely held beliefs to comply with a government vaccine mandate.
19 Plaintiff believes that receiving any COVID-19 vaccine, or any substance containing
20 mRNA or foreign DNA, would violate the core of his faith. He holds a deep
21 conviction that his body, and its God-given DNA, must remain as created by the Lord.
22 Altering that through vaccination would break his spiritual promise to honor his
23 Creator. For Plaintiff, this belief is not abstract or political, it is rooted in a personal,
24 unwavering devotion to Jesus Christ, whom he credits with giving his life purpose
25
26

1 and meaning. To submit to vaccination would be to act in direct opposition to his
2 religious belief.

3
4 234. On August 29, 2021, Plaintiff Sarver submitted a religious exemption request form
5 that notified the Defendants about the sincerely-held religious belief and how it
6 conflicted with the ability to comply with the Vaccine Requirement.

7
8 235. Defendants then considered Plaintiff Sarver's request for a religious exemption, they
9 determined a sincerely held a religious belief conflicted with the ability to comply
10 with the Vaccine Requirement, they granted the exemption, and they notified the
11 Plaintiff about the decision.

12 236. In the same notice, and without further input from the Plaintiff regarding
13 accommodating the exemption, Defendants determined they could not accommodate
14 Plaintiff's religious belief in the Plaintiff's current position because "the essential
15 functions of your position require unavoidable and/or unpredictable interactions with
16 others in the workplace and/or with members [of] (*sic*) the public."

17
18 237. The only possible accommodation Defendants would consider is the possibility of
19 reassignment to a currently funded, equal or less paying, available job that had no job
20 duty that would require unavoidable and/or unpredictable interactions with co-
21 workers or the public, and that Plaintiff was qualified to perform.

22
23 238. Defendants warned, however, that reassignment positions were limited and there was
24 no guarantee that any such job was available.
25
26

239. In fact, there were no reassignment positions available to the Plaintiff based on the reassignment limitations.

240. On October 18, 2021, the State terminated this employee's continued public employment without the employee's consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

U. Plaintiff Jeremy Birchfield

241. Plaintiff Birchfield sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

242. Plaintiff Birchfield is a devout Christian who sincerely believes that God is the sole author of life and that human life is sacred from the moment of conception. Guided by Biblical teachings and the authority of scripture, Plaintiff cannot, in good conscience, accept any COVID-19 vaccine developed or tested using aborted fetal cell lines or containing foreign DNA or ingredients derived from human or animal tissues. These include the mRNA vaccines by Pfizer and Moderna, which he specifically identifies as violating his deeply held religious convictions. Plaintiff's objection is rooted in longstanding Biblical principles, including Psalm 139:13–14 (“For you created my inmost being; you knit me together in my mother’s womb”), Jeremiah 1:5 (“Before I formed you in the womb I knew you”), and Psalm 127:3 (“Children are a gift from the Lord”). These scriptures, central to his beliefs, compel him to reject any substance that originates from or is associated with abortion or the destruction of human life. He believes God created his DNA and body in His image, and altering that through injections containing MRC-5, HEK-293, or any other

1 foreign or aborted human cell line would defile the sacred form in which he was
2 created. To receive such a vaccine would violate his covenant with God and
3 compromise his moral integrity. Plaintiff emphasizes that he loves his job, values the
4 people he works with, and has a strong record of service. However, he could not put
5 his job above his sacred religious beliefs. For him, this was never a political or
6 philosophical stance, it was a deeply spiritual decision.
7

8 243. On August 22, 2021, Plaintiff Birchfield submitted a religious exemption request
9 form that notified the Defendants about the sincerely-held religious belief and how it
10 conflicted with the ability to comply with the Vaccine Requirement.
11

12 244. Subsequently, Defendants requested additional information from Plaintiff Birchfield
13 regarding the religious belief and how the religious belief conflicted with the ability
14 to comply with the Vaccine Requirement.
15

16 245. On August 26, 2021, Plaintiff Birchfield complied with Defendants' request and
17 provided the supplemental information about the sincerely held religious beliefs and
18 how the belief conflicted with the ability to comply with the Vaccine Requirement.
19

20 246. Defendants then considered Plaintiff Birchfield's request for a religious exemption,
21 they determined a sincerely held a religious belief conflicted with the ability to
22 comply with the Vaccine Requirement, they granted the exemption, and they notified
23 the Plaintiff about the decision.
24

25 247. In the same notice, and without further input from the Plaintiff regarding
26 accommodating the exemption, Defendants determined they could not accommodate

Plaintiff's religious belief in the Plaintiff's current position because "the essential functions of your position require unavoidable and/or unpredictable interactions with others in the workplace and/or with members [of] (*sic*) the public."

248. The only possible accommodation Defendants would consider is the possibility of reassignment to a currently funded, equal or less paying, available job that had no job duty that would require unavoidable and/or unpredictable interactions with co-workers or the public, and that Plaintiff was qualified to perform.

249. Defendants warned, however, that reassignment positions were limited and there was no guarantee that any such job was available.

250. In fact, there were no reassignment positions available to the Plaintiff based on the reassignment limitations.

251. Plaintiff Birchfield requested a *Loudermill* hearing multiple times, with no response.

252. On October 18, 2021, the State terminated this employee's continued public employment without the employee's consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

V. Plaintiff Jeremy Greene

253. Plaintiff Jeremy Greene sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

254. Plaintiff Jeremy Greene believes that his body and its biological integrity are sacred and uniquely created by God. As such, any attempt to alter, access, or influence that creation, whether through vaccination or other medical interventions, violates his

1 spiritual convictions and his understanding of divine ownership and stewardship over
2 his body.

3
4 255. On October 15, 2021, Plaintiff Jeremy Greene submitted a religious exemption
5 request form that notified the Defendants about the sincerely-held religious belief and
6 how it conflicted with the ability to comply with the Vaccine Requirement.

7
8 256. Defendants then considered Plaintiff Jeremy Greene's request for a religious
9 exemption, they determined a sincerely held a religious belief conflicted with the
10 ability to comply with the Vaccine Requirement, they granted the exemption, and
11 they notified the Plaintiff about the decision.

12
13 257. In the same notice, and without further input from the Plaintiff regarding
14 accommodating the exemption, Defendants determined they could not accommodate
15 Plaintiff's religious belief in the Plaintiff's current position because "the essential
16 functions of your position require unavoidable and/or unpredictable interactions with
17 others in the workplace and/or with members [of] (*sic*) the public."

18
19 258. The only possible accommodation Defendants would consider is the possibility of
20 reassignment to a currently funded, equal or less paying, available job that had no job
21 duty that would require unavoidable and/or unpredictable interactions with co-
22 workers or the public, and that Plaintiff was qualified to perform.

23
24 259. Defendants warned, however, that reassignment positions were limited and there was
25 no guarantee that any such job was available.
26

1 260. In fact, there were no reassignment positions available to the Plaintiff based on the
2 reassignment limitations.

3
4 261. On October 18, 2021, the State terminated this employee's continued public
5 employment without the employee's consent for not complying with the Vaccine
6 Requirement and the religious exemption was not accommodated.

7
8 262. On or about February 2, 2022, Plaintiff Jeremy Green was given a conditional offer
9 of employment for the On-Call Oiler 21.6 position with WSDOT, WSF from HR
10 Consultant Renee Mason.

11 263. Plaintiff Jeremy Greene then requested an exemption from the COVID-19
12 vaccination and submitted a Statement of Declination of COVID-19 Vaccine Product
13 on or about February 14, 2022.

14
15 264. On or about February 21, 2022. WSF Deputy Director Kim Monroe acknowledged
16 Plaintiff Jeremy Greene's exemption request and employment file.

17 265. On the same day, Defendants determined, based upon the information Plaintiff
18 Greene provided, that Plaintiff's request for a religious exemption is based on a
19 sincerely held religious belief that prevents Plaintiff from being vaccinated against
20 COVID-19.

21
22 266. However, despite this finding, Defendants determined that no accommodation could
23 be made and rescinded the offer of employment.
24
25
26

1 267. In the months following, Plaintiff Jeremy Greene repeatedly sought clarification from
2 WSDOT regarding his eligibility for rehire or temporary assignments through the
3 MEDBA hall.

4
5 268. Plaintiff Jeremy Greene's inquiries were met with delay, vague responses, and
6 eventually internal communications.

7 269. On or about April 18, 2022, in internal correspondence between WSF Deputy
8 Director Eben Phillips and Director Eric Visser, Mr. Phillips expressly discouraged
9 responding to Plaintiff Jeremy Greene, stating: "While tempting, I don't see any
10 benefit of a response. He remains unvaccinated, and has a 10+ year of playing games
11 and making accusations against WSF supervisors and management... Anything I say
12 will reappear in an additional form of harassment, so I've simply ignored his
13 harassing emails."

14
15 270. Mr. Phillips' email shows a clear retaliatory motive, revealing that the decision to cut
16 off communication and reemployment consideration stemmed not from any formal
17 misconduct, but from long-standing personal animus toward Plaintiff Jeremy
18 Greene's persistent assertion of his rights.

19
20 271. On or about November 10, 2022, internal emails between WSDOT and WSF
21 leadership revealed that senior staff explicitly discussed barring Plaintiff Greene from
22 any future employment opportunities, despite his qualifications and eligibility for
23 temporary reemployment via MEBA dispatch.
24
25
26

1 272. WSF Senior Port Engineer Bill Schweyen, inquired that “If Jeremy meets the
2 requirements to work, how would he go about taking temporary jobs?”

3
4 273. WSF Deputy Director Eben Phillips stated: “Jeremy Greene has been harassing Kim
5 Monroe, Eric Visser and I for the last 11 months. It would be completely
6 unacceptable for him to ever work on board another WSF as long as I work here.”

7
8 274. Mr. Phillips further asked staff to “confirm that we could bar him from being
9 temporarily dispatched from the MEBA hall.”

10 275. Mr. Phillips’ request was made absent any documented disciplinary proceedings,
11 formal investigations, or prior notice to Plaintiff Jeremy Greene.

12
13 276. HR Manager Sarah Smith responded internally, “We can confirm there will be no
14 interest in rehiring Mr. Greene for the reasons you’ve stated above.

15 277. These communications occurred shortly after Plaintiff Jeremy Greene requested
16 clarification about vaccine exemptions and sought to invoke his rights to
17 reemployment via MEBA temporary positions.

18
19 278. On or about December 12, 2022, WSDOT personnel confirmed that employees,
20 including former employees, could seek reemployment with religious or medical
21 accommodations, subject to a “file review” by Kim Monroe and Sarah Smith prior to
22 receiving contingent offers.

23
24 279. On or about December 14, 2022, internal WSDOT communications between Mr.
25 Visser, Ms. Kim, and Mr. Phillips, confirm WSDOT’s intention to permanently
26

1 refuse to rehire Plaintiff Jeremy Greene, with WSF Director Eric Visser stating
2 unequivocally, “[T]he message needs to be very strong: we will not rehire you.”

3
4 280. In subsequent correspondence, on or about December 19, 2022, WSF Director Eric
5 Visser informed Plaintiff Jeremy Greene that, regardless of his qualifications, WSF
6 would consider Plaintiff’s tone, perceived “disrespect for chain of command,” and
7 prior communications as grounds to reject future employment.

8
9 281. Mr. Visser’s email was sent despite no record of formal discipline or misconduct
10 findings.

11 282. These communications show that Plaintiff Jeremy Greene was blacklisted from
12 reemployment as a direct result of asserting his protected rights, including religious
13 objection and continued advocacy for a reasonable accommodation.

14
15 283. Defendants’ stated justifications were vague, subjective, and inconsistent with
16 WSDOT’s own public statements and prior willingness to rehire him.

17 284. The “file review” process was weaponized to exclude Plaintiff Jeremy Greene in
18 retaliation for protected conduct, not based on objective or lawful criteria.

19
20 285. For instance, on or about February 9, 2023, Plaintiff Jeremy Greene was contacted
21 by WSDOT Human Resources Consultant Mariah Ayers regarding a professional
22 reference check for a pending application for the On-Call Oiler/Wiper position
23 (22DOT-WSF-Oiler 22.7)

24
25 286. Plaintiff initially raised concern that this reference check requirement was not
26 previously disclosed in the job posting or interview process.

1 287. After clarification from Ms. Ayers, Plaintiff consented in writing to the reference
2 check and associated file review on February 15, 2023.

3 288. On or about February 17, 2023, WSDOT HR Manager Sarah Smith initiated a
4 reference check request with WSF Director Eben Phillips regarding Plaintiff Jeremy
5 Greene.
6

7 289. On February 20, 2023, Mr. Phillips responded, citing alleged emails from Plaintiff
8 between March and May of both 2022 and 2023 as evidence of “combativeness,
9 abrasiveness and hostility,” and specifically described receiving “over 63 daily
10 emails” in 2023 in which Plaintiff Jeremy Greene allegedly criticized WSDOT
11 leadership and demanded accountability, referencing those communications as
12 justification for marking Plaintiff ineligible for rehire.
13

14 290. Ms. Smith forwarded Mr. Phillips’ evaluation and explicitly instructed, “Please see
15 the reference check for Jeremy Greene and the request to not allow for rehire with
16 WSF.”
17

18 **W. Plaintiff Joe DeGroat**

19 291. Plaintiff DeGroat sincerely held a religious belief that conflicted with the ability to
20 comply with the Vaccine Requirement.
21

22 292. Plaintiff DeGroat is a Catholic Christian who is therefore staunchly against abortion.
23 For that reason, he cannot in good conscience benefit from the act. All of the available
24 COVID-19 vaccines either used aborted fetal cell lines during research and
25 development or production and manufacture.
26

1 293. On September 1, 2021, Plaintiff DeGroat submitted a religious exemption request
2 form that notified the Defendants about the sincerely-held religious belief and how it
3 conflicted with the ability to comply with the Vaccine Requirement.
4

5 294. Subsequently, Defendants requested additional information from Plaintiff DeGroat
6 regarding the religious belief and how the religious belief conflicted with the ability
7 to comply with the Vaccine Requirement.
8

9 295. On or about September 1, 2021, Plaintiff DeGroat complied with Defendants' request
10 and provided the supplemental information about the sincerely held religious beliefs
11 and how the belief conflicted with the ability to comply with the Vaccine
12 Requirement.
13

14 296. Defendants then considered Plaintiff DeGroat's request for a religious exemption,
15 they determined a sincerely held a religious belief conflicted with the ability to
16 comply with the Vaccine Requirement, they granted the exemption, and they notified
17 the Plaintiff about the decision.
18

19 297. In the same notice, and without further input from the Plaintiff regarding
20 accommodating the exemption, Defendants determined they could not accommodate
21 Plaintiff's religious belief in the Plaintiff's current position because "the essential
22 functions of your position require unavoidable and/or unpredictable interactions with
23 others in the workplace and/or with members [of] (*sic*) the public."
24

25 298. The only possible accommodation Defendants would consider is the possibility of
26 reassignment to a currently funded, equal or less paying, available job that had no job

duty that would require unavoidable and/or unpredictable interactions with co-workers or the public, and that Plaintiff was qualified to perform.

299. Defendants warned, however, that reassignment positions were limited and there was no guarantee that any such job was available.

300. In fact, there were no reassignment positions available to the Plaintiff based on the reassignment limitations.

301. On October 18, 2021, the State terminated this employee's continued public employment without the employee's consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

X. Plaintiff John Winston

302. Plaintiff Winston sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

303. Plaintiff Winston had no opportunity to fully describe his relevant religious beliefs to Defendants. Nevertheless, WSDOT determined that he had a sincerely held religious belief which entitled him to an exemption to mandatory COVID-19 vaccination. WSDOT was correct. Mr. Winston is a Christian, and pro-life for religious reasons. When confronted with a demand to accept vaccination, he went back to the teaching of Christ for guidance. In particular, he followed Proverbs 6:16-19: "There are six things that the Lord hates, seven that are an abomination to him: haughty eyes, a lying tongue, and hands that shed innocent blood, a heart that devises wicked plans, feet that make haste to run to evil, a false witness who breathes out lies

1 , and one who sows discord among brothers,” and Exodus 20:13: “You shall not
2 murder.” Mr. Winston had been informed that the creators of the vaccines had used
3 stem cells from unborn fetuses. His faith also preaches that the human body is a
4 temple it is sacred and that he is responsible for his body’s well-being.
5

6 304. On August 30, 2021, Plaintiff Winston submitted a religious exemption request form
7 that notified the Defendants about the sincerely-held religious belief and how it
8 conflicted with the ability to comply with the Vaccine Requirement.
9

10 305. Defendants then considered Plaintiff Winston’s request for a religious exemption,
11 they determined a sincerely held a religious belief conflicted with the ability to
12 comply with the Vaccine Requirement, they granted the exemption, and they notified
13 the Plaintiff about the decision.
14

15 306. In the same notice, and without further input from the Plaintiff regarding
16 accommodating the exemption, Defendants determined they could not accommodate
17 Plaintiff’s religious belief in the Plaintiff’s current position because “the essential
18 functions of your position require unavoidable and/or unpredictable interactions with
19 others in the workplace and/or with members [of] (*sic*) the public.”
20

21 307. The only possible accommodation Defendants would consider is the possibility of
22 reassignment to a currently funded, equal or less paying, available job that had no job
23 duty that would require unavoidable and/or unpredictable interactions with co-
24 workers or the public, and that Plaintiff was qualified to perform.
25
26

1 308. Defendants warned, however, that reassignment positions were limited and there was
2 no guarantee that any such job was available.

3 309. In fact, there were no reassignment positions available to the Plaintiff based on the
4 reassignment limitations.

5
6 310. On October 18, 2021, the State terminated this employee's continued public
7 employment without the employee's consent for not complying with the Vaccine
8 Requirement and the religious exemption was not accommodated.

9
10 **Y. Plaintiff Jordan Longacre**

11 311. Plaintiff Longacre sincerely held a religious belief that conflicted with the ability to
12 comply with the Vaccine Requirement.

13
14 312. Plaintiff Longacre explained that his sincerely held religious beliefs prohibit him
15 from receiving mRNA vaccines. He further stated that his creed also prevents him
16 from injecting any medication, vaccine, or substance into his body without his written
17 consent for an indefinite period of time. Plaintiff affirmed that receiving the COVID-
18 19 vaccine would violate these beliefs.

19
20 313. On August 25, 2021, Plaintiff Longacre submitted a religious exemption request form
21 that notified the Defendants about the sincerely-held religious belief and how it
22 conflicted with the ability to comply with the Vaccine Requirement.

23 314. Subsequently, Defendants requested additional information from Plaintiff Longacre
24 regarding the religious belief and how the religious belief conflicted with the ability
25 to comply with the Vaccine Requirement.
26

1 315. On August 30, 2021, Plaintiff Longacre complied with Defendants' request and
2 provided the supplemental information about the sincerely held religious beliefs and
3 how the belief conflicted with the ability to comply with the Vaccine Requirement.
4

5 316. On or about August 25, 2021, Plaintiff Longacre submitted his exemption forms,
6 including a personal statement and a letter from his pastor, via his personal email
7 because he had been unexpectedly locked out of his work account.
8

9 317. On or about August 30, 2021, Defendants requested that Plaintiff Longacre complete
10 an additional exemption form.
11

12 318. Plaintiff Longacre complied and submitted both the WSDOT religious exemption
13 form and a supplemental form, including a letter from his pastor.
14

15 319. In response, Defendants requested Plaintiff Longacre to answer further questions
16 concerning his religious beliefs, including whether he had received other vaccines in
17 the past.
18

19 320. Plaintiff Longacre objected to the relevance and legality of these additional questions
20 and declined to respond to that particular item and asserted that the information he
21 had already submitted was sufficient.
22

23 321. Plaintiff Longacre requested that Defendants explain why the additional
24 questionnaire was necessary.
25

26 322. Plaintiff Longacre maintained that his previously submitted documentation fulfilled
WSDOT's stated requirements.

1 323. Defendants then considered Plaintiff Longacre's request for a religious exemption,
2 they determined a sincerely held a religious belief conflicted with the ability to
3 comply with the Vaccine Requirement, they granted the exemption, and they notified
4 the Plaintiff about the decision.
5

6 324. In the same notice, and without further input from the Plaintiff regarding
7 accommodating the exemption, Defendants determined they could not accommodate
8 Plaintiff's religious belief in the Plaintiff's current position because "the essential
9 functions of your position require unavoidable and/or unpredictable interactions with
10 others in the workplace and/or with members [of] (*sic*) the public."
11

12 325. The only possible accommodation Defendants would consider is the possibility of
13 reassignment to a currently funded, equal or less paying, available job that had no job
14 duty that would require unavoidable and/or unpredictable interactions with co-
15 workers or the public, and that Plaintiff was qualified to perform.
16

17 326. Defendants warned, however, that reassignment positions were limited and there was
18 no guarantee that any such job was available.

19 327. In fact, there were no reassignment positions available to the Plaintiff based on the
20 reassignment limitations.
21

22 328. On October 18, 2021, the State terminated this employee's continued public
23 employment without the employee's consent for not complying with the Vaccine
24 Requirement and the religious exemption was not accommodated.
25
26

1 329. On or about August 24, 2021, Plaintiff Longacre was placed on administrative leave
2 was placed on administrative leave for the duration of the religious exemption and
3 accommodation process under the Proclamation.
4

5 330. During this administrative leave, Defendants retained Plaintiff Longacre's work
6 laptop and restricted access to his WSDOT email account.

7 331. Despite knowing Plaintiff Longacre could not access his WSDOT email, Defendants
8 continued to send critical communications related to the exemption process,
9 including requests and notices, to that email address.
10

11 332. On September 24, 2021, WSDOT notified Plaintiff Longacre via his work email that
12 he had not completed the validation process for vaccination or received an approved
13 exemption and was given until September 29, 2021, to respond.
14

15 333. Plaintiff Longacre did not receive this communication at the time it was sent due to
16 being locked out of his WSDOT email account.

17 334. Defendants knew or should have known that Plaintiff Longacre could not access his
18 WSDOT email account and did not have his work laptop.
19

20 335. Despite this, Defendants proceeded to issue a notice of separation and terminated
21 Plaintiff Longacre effective October 18, 2021, citing non-compliance with
22 Proclamation.
23

24 336. Plaintiff Longacre subsequently applied for unemployment benefits, which
25 Defendants opposed, asserting that Plaintiff failed to complete the exemption process
26 and had engaged in misconduct and insubordination.

1 337. Plaintiff Longacre appealed the denial of his unemployment benefits and, on or about
 2 April 27, 2023, an Administrative Law Judge (“ALJ”) with the Washington Office
 3 of Administrative Hearings (“OAH”) issued a decision reversing the denial of those
 4 benefits.

5
 6 338. The ALJ found that Plaintiff Longacre had submitted adequate documentation in
 7 support of his religious exemption, and that WSDOT failed to properly communicate
 8 with Plaintiff Longacre after placing him on administrative leave and revoking his
 9 access to work email.

10
 11 339. The ALJ’s ruling concluded that Plaintiff Longacre did not commit misconduct and
 12 was entitled to unemployment benefits.

13 **Z. Plaintiff Joseph Greene**

14
 15 340. Plaintiff Joseph Greene sincerely held a religious belief that conflicted with the
 16 ability to comply with the Vaccine Requirement.

17 341. Plaintiff Joseph Greene was raised as a Catholic Christian. submitted a written
 18 religious exemption request on or about October 16, 2021, formally declining receipt
 19 of the COVID-19 vaccine. In his submission, Plaintiff cited deeply held religious and
 20 moral beliefs that prohibit the introduction of any substance that may alter his
 21 biological or physiological systems, systems which he believes are uniquely crafted
 22 by his Creator and for which he maintains sole stewardship. Plaintiff Joseph Greene
 23 also explained that his objection stemmed from the use or association of the COVID-
 24 19 vaccine with aborted fetal cells, which he finds incompatible with his faith.
 25
 26

1 Plaintiff affirmed that although he could not in good conscience accept the vaccine,
2 he remained willing to support public health efforts within the bounds of his religious
3 convictions and offered to continue performing his duties at Washington State Ferries
4 in a manner that aligned with those beliefs.
5

6 342. On October 16, 2021, Plaintiff Joseph Greene submitted a religious exemption
7 request form that notified the Defendants about the sincerely-held religious belief and
8 how it conflicted with the ability to comply with the Vaccine Requirement.
9

10 343. Defendants then considered Plaintiff Joseph Greene's request for a religious
11 exemption, they determined a sincerely held a religious belief conflicted with the
12 ability to comply with the Vaccine Requirement, they granted the exemption, and
13 they notified the Plaintiff about the decision.
14

15 344. In the same notice, and without further input from the Plaintiff regarding
16 accommodating the exemption, Defendants determined they could not accommodate
17 Plaintiff's religious belief in the Plaintiff's current position because "the essential
18 functions of your position require unavoidable and/or unpredictable interactions with
19 others in the workplace and/or with members [of] (*sic*) the public."
20

21 345. The only possible accommodation Defendants would consider is the possibility of
22 reassignment to a currently funded, equal or less paying, available job that had no job
23 duty that would require unavoidable and/or unpredictable interactions with co-
24 workers or the public, and that Plaintiff was qualified to perform.
25
26

1 346. Defendants warned, however, that reassignment positions were limited and there was
2 no guarantee that any such job was available.

3 347. In fact, there were no reassignment positions available to the Plaintiff based on the
4 reassignment limitations.

5 348. On October 18, 2021, the State terminated this employee's continued public
6 employment without the employee's consent for not complying with the Vaccine
7 Requirement and the religious exemption was not accommodated.
8

9
10 **AA. Plaintiff Justin Cochran**

11 349. Plaintiff Cochran sincerely held a religious belief that conflicted with the ability to
12 comply with the Vaccine Requirement.

13 350. Plaintiff Cochran is a Christian started following God's way as a young boy. He
14 further became closer with his religious when he met his wife, who also comes from
15 a Christian family. His religious beliefs prohibit any vaccine developed with or
16 containing components derived from aborted fetal cells. (Exodus 20:15, 1
17 Corinthians 3:16-17).
18

19 351. On August 29, 2021, Plaintiff Cochran submitted a religious exemption request form
20 that notified the Defendants about the sincerely-held religious belief and how it
21 conflicted with the ability to comply with the Vaccine Requirement.
22

23 352. Subsequently, Defendants requested additional information from Plaintiff Cochran
24 regarding the religious belief and how the religious belief conflicted with the ability
25 to comply with the Vaccine Requirement.
26

1 353. On September 12, 2021, Plaintiff Cochran complied with Defendants' request and
2 provided the supplemental information about the sincerely held religious beliefs and
3 how the belief conflicted with the ability to comply with the Vaccine Requirement.
4

5 354. Defendants then considered Plaintiff Cochran's request for a religious exemption,
6 they determined a sincerely held a religious belief conflicted with the ability to
7 comply with the Vaccine Requirement, they granted the exemption, and they notified
8 the Plaintiff about the decision.
9

10 355. In the same notice, and without further input from the Plaintiff regarding
11 accommodating the exemption, Defendants determined they could not accommodate
12 Plaintiff's religious belief in the Plaintiff's current position because "the essential
13 functions of your position require unavoidable and/or unpredictable interactions with
14 others in the workplace and/or with members [of] (*sic*) the public."
15

16 356. The only possible accommodation Defendants would consider is the possibility of
17 reassignment to a currently funded, equal or less paying, available job that had no job
18 duty that would require unavoidable and/or unpredictable interactions with co-
19 workers or the public, and that Plaintiff was qualified to perform.
20

21 357. Defendants warned, however, that reassignment positions were limited and there was
22 no guarantee that any such job was available.
23

24 358. In fact, there were no reassignment positions available to the Plaintiff based on the
25 reassignment limitations.
26

1 359. On October 18, 2021, the State terminated this employee's continued public
2 employment without the employee's consent for not complying with the Vaccine
3 Requirement and the religious exemption was not accommodated.

4
5 360. Plaintiff Cochran submitted a reasonable accommodation reassignment form on or
6 about October 7, 2021.

7 361. However, Plaintiff Cochran did not receive a response to his reassignment request
8 prior to his termination.

9
10 362. It was only after making a records request following his separation that Plaintiff
11 Cochran discovered that Defendants had responded during the week of October 16,
12 2021, when he was off work due to the ferry schedule and had no access to his work
13 email.

14
15 363. As a result, Plaintiff Cochran was not aware of the response and never had an
16 opportunity to rebut the decision.

17 364. Defendants' response claimed that a "job search" had been conducted and no
18 alternative positions were available.

19
20 **BB. Plaintiff Kerry Strawn**

21 365. Plaintiff Strawn sincerely held a religious belief that conflicted with the ability to
22 comply with the Vaccine Requirement.

23
24 366. Plaintiff Strawn is a Christian who held a sincerely held religious belief that receiving
25 a COVID-19 vaccine would violate his religious convictions. After researching the
26 vaccine's development, he and his wife learned that fetal cells were used in the

1 process, which he found deeply disturbing and incompatible with his faith. He
2 considered the vaccine an abomination.

3
4 367. On September 3, 2021, Plaintiff Strawn submitted a religious exemption request form
5 that notified the Defendants about the sincerely-held religious belief and how it
6 conflicted with the ability to comply with the Vaccine Requirement.

7
8 368. Subsequently, Defendants requested additional information from Plaintiff Strawn
9 regarding the religious belief and how the religious belief conflicted with the ability
10 to comply with the Vaccine Requirement.

11
12 369. On September 13, 2021, Plaintiff Strawn complied with Defendants' request and
13 provided the supplemental information about the sincerely held religious beliefs and
14 how the belief conflicted with the ability to comply with the Vaccine Requirement.

15
16 370. On or about September 23, 2021, Plaintiff Cochran also submitted a reassignment
17 request form.

18
19 371. Defendants then considered Plaintiff Strawn's request for a religious exemption, they
20 determined a sincerely held a religious belief conflicted with the ability to comply
21 with the Vaccine Requirement, they granted the exemption, and they notified the
22 Plaintiff about the decision.

23
24 372. In the same notice, and without further input from the Plaintiff regarding
25 accommodating the exemption, Defendants determined they could not accommodate
26 Plaintiff's religious belief in the Plaintiff's current position because "the essential

functions of your position require unavoidable and/or unpredictable interactions with others in the workplace and/or with members [of] (*sic*) the public.”

373. The only possible accommodation Defendants would consider is the possibility of reassignment to a currently funded, equal or less paying, available job that had no job duty that would require unavoidable and/or unpredictable interactions with co-workers or the public, and that Plaintiff was qualified to perform.

374. Defendants warned, however, that reassignment positions were limited and there was no guarantee that any such job was available.

375. In fact, there were no reassignment positions available to the Plaintiff based on the reassignment limitations.

376. On October 18, 2021, the State terminated this employee’s continued public employment without the employee’s consent for not complying with the Vaccine

CC. Plaintiff Larry Frostad

377. Plaintiff Frostad sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

378. Plaintiff Frostad is a Christian who holds sincere and long-standing Christian beliefs that guide how he cares for his body, which he views as a temple belonging to God. (1 Corinthians 3:16) Based on scripture and his faith, he believes it is a sin to knowingly violate his conscience or act against Christ’s teachings. After prayer, study, and reflection with his family, he concluded that the COVID-19 vaccines conflict with his sincerely held personal religious beliefs of how Christ’s

1 commandments, and teachings related to our bodies (they are not our own, but of
2 God) and our physical and religious health apply to my walk with Christ though life
3 to return to Him. It is a sin to knowingly go against His teachings. He also objects to
4 pharmaceutical interventions as a default, preferring approaches aligned with Biblical
5 principles. (2 Corinthians 6:16) His objection to the vaccine stems from his belief
6 that it undermines God's design for the body, poses unnecessary risks, and would
7 compromise his ability to serve God faithfully.
8

9 379. On August 27, 2021, Plaintiff Frostad submitted a religious exemption request form
10 that notified the Defendants about the sincerely-held religious belief and how it
11 conflicted with the ability to comply with the Vaccine Requirement.
12

13 380. Subsequently, Defendants requested additional information from Plaintiff Frostad
14 regarding the religious belief and how the religious belief conflicted with the ability
15 to comply with the Vaccine Requirement.
16

17 381. On September 7, 2021, Plaintiff Frostad complied with Defendants' request and
18 provided the supplemental information about the sincerely held religious beliefs and
19 how the belief conflicted with the ability to comply with the Vaccine Requirement.
20

21 382. Defendants then considered Plaintiff Frostad's request for a religious exemption, they
22 determined a sincerely held a religious belief conflicted with the ability to comply
23 with the Vaccine Requirement, they granted the exemption, and they notified the
24 Plaintiff about the decision.
25
26

1 383. In the same notice, and without further input from the Plaintiff regarding
 2 accommodating the exemption, Defendants determined they could not accommodate
 3 Plaintiff's religious belief in the Plaintiff's current position because "the essential
 4 functions of your position require unavoidable and/or unpredictable interactions with
 5 others in the workplace and/or with members [of] (*sic*) the public."

7 384. The only possible accommodation Defendants would consider is the possibility of
 8 reassignment to a currently funded, equal or less paying, available job that had no job
 9 duty that would require unavoidable and/or unpredictable interactions with co-
 10 workers or the public, and that Plaintiff was qualified to perform.

12 385. Defendants warned, however, that reassignment positions were limited and there was
 13 no guarantee that any such job was available.

14 386. In fact, there were no reassignment positions available to the Plaintiff based on the
 15 reassignment limitations.

17 387. On October 18, 2021, the State terminated this employee's continued public
 18 employment without the employee's consent for not complying with the Vaccine
 19 Requirement and the religious exemption was not accommodated.

21 **DD. Plaintiff Lynn Nowels**

22 388. Plaintiff Nowels sincerely held a religious belief that conflicted with the ability to
 23 comply with the Vaccine Requirement.

24 389. Plaintiff Nowels is a Christian who holds sincere Christian beliefs that prohibit her
 25 from receiving the COVID-19 vaccine. She believes that God created the human
 26

1 body in His image and endowed it with a natural immune system capable of healing,
2 and that introducing the vaccine would betray her faith in divine design. She further
3 believes that global vaccine mandates reflect prophetic warnings about government
4 control and the conditioning of society for the biblical “Mark of the Beast.” While
5 she does not believe the vaccine itself is the mark, her religious convictions warn
6 against participating in what she sees as a precursor. Plaintiff consistently complied
7 with WSDOT’s safety protocols, including masking and temperature checks, and
8 remains willing to follow those measures. However, based on her deeply held beliefs,
9 she could not accept the vaccine in good conscience. Further, as her pastor has
10 explained, her church believes that COVID-19 vaccinations are synonymous with
11 sorcery, defined as magic potions that alter the body's natural system and are
12 specifically forbidden in Galatians 5:20.
13
14

15 390. On August 21, 2021, Plaintiff Nowels submitted a religious exemption request form
16 that notified the Defendants about the sincerely-held religious belief and how it
17 conflicted with the ability to comply with the Vaccine Requirement.
18

19 391. Subsequently, Defendants requested additional information from Plaintiff Nowels
20 regarding the religious belief and how the religious belief conflicted with the ability
21 to comply with the Vaccine Requirement.
22

23 392. On August 25, 2021, Plaintiff Nowels complied with Defendants’ request and
24 provided the supplemental information about the sincerely held religious beliefs and
25 how the belief conflicted with the ability to comply with the Vaccine Requirement.
26

1 393. Defendants then considered Plaintiff Nowels' request for a religious exemption, they
2 determined a sincerely held a religious belief conflicted with the ability to comply
3 with the Vaccine Requirement, they granted the exemption, and they notified the
4 Plaintiff about the decision.
5

6 394. In the same notice, and without further input from the Plaintiff regarding
7 accommodating the exemption, Defendants determined they could not accommodate
8 Plaintiff's religious belief in the Plaintiff's current position because "the essential
9 functions of your position require unavoidable and/or unpredictable interactions with
10 others in the workplace and/or with members [of] (*sic*) the public."
11

12 395. The only possible accommodation Defendants would consider is the possibility of
13 reassignment to a currently funded, equal or less paying, available job that had no job
14 duty that would require unavoidable and/or unpredictable interactions with co-
15 workers or the public, and that Plaintiff was qualified to perform.
16

17 396. Defendants warned, however, that reassignment positions were limited and there was
18 no guarantee that any such job was available.

19 397. In fact, there were no reassignment positions available to the Plaintiff based on the
20 reassignment limitations.
21

22 398. Plaintiff Nowels initially participated in Defendants' reassignment process but
23 ultimately withdrew from further meetings after concluding they would not lead to a
24 meaningful accommodation.
25
26

1 399. In an email to Defendants sent on or about September 17, 2021, Plaintiff Nowels
2 expressed that the process appeared predetermined and that religious exemptions
3 were being disregarded.

4
5 400. Plaintiff Nowels described the significant mental and physical toll the mandate had
6 taken on her and other employees.

7 401. Plaintiff Nowels stated she would continue performing her duties with integrity until
8 WSDOT terminated her employment.

9
10 402. On October 18, 2021, the State terminated this employee's continued public
11 employment without the employee's consent for not complying with the Vaccine

12
13 **EE. Plaintiff Merriegrace LaPierre**

14 403. Plaintiff LaPierre sincerely held a religious belief that conflicted with the ability to
15 comply with the Vaccine Requirement.

16 404. Plaintiff LaPierre is a Christian who believes that receiving the vaccine would violate
17 her faith and moral code, citing concerns over bodily integrity and the use of aborted
18 fetal cell lines. Taking a vaccine with aborted fetal cell lines is hugely offensive and
19 disturbing to her as a Christian.

20
21 405. On August 26, 2021, Plaintiff LaPierre submitted a religious exemption request form
22 that notified the Defendants about the sincerely-held religious belief and how it
23 conflicted with the ability to comply with the Vaccine Requirement.
24
25
26

- 1 406. On September 13, 2021, Plaintiff LaPierre provided the supplemental information
2 about the sincerely held religious beliefs and how the belief conflicted with the ability
3 to comply with the Vaccine Requirement.
4
- 5 407. On or about September 27, 2021, Plaintiff LaPierre received an email that stated “a
6 review of records indicates you have not been approved for an authorized medical
7 and/or religious vaccination exemption...”
8
- 9 408. This termination notice was issued despite Plaintiff LaPierre’s pending exemption
10 request and without any interactive process regarding possible reasonable
11 accommodation.
12
- 13 409. On or about October 8, 2021, Plaintiff LaPierre requested a *Loudermill* hearing via
14 email to Plaintiff’s HR representative, Kim O’Neil and asked that her Union
15 Representative, Ryan Brazeau, be allowed to attend.
16
- 17 410. Ms. O’Neil responded the same day, stating she has been instructed to send all
18 employee communications to the exemption box (exemption@wsdot.wa.gov), which
19 she included in the response, in addition to the Deputy Director HR (Kim Monroe)
20 and Manager HR (Sarah Smith) whom Ms. O’Neil also included on the email reply.
21
- 22 411. On or about October 12, 2021, Plaintiff LaPierre responded to Ms. O’Neil’s October
23 8 email that she didn’t see an exemption response and sought guidance on how to
24 obtain a *Loudermill* meeting.
25
26

1 412. On or about October 13, 2021, Ms. O’Neil responded that Plaintiff LaPierre should
2 communicate directly with the exemption team and included the exemption alias and
3 HR leadership (Monroe and Smith) in her response.
4

5 413. Ms. O’Neil, a Senior HR Consultant, and Plaintiff LaPierre’s HR representative,
6 stated “I am not involved in this process and does not need to be included.”
7

8 414. On October 16, 2021, Plaintiff sent a follow-up email to the exemption team
9 reiterating her request for a *Loudermill* hearing.
10

11 415. In her October 16 email, Plaintiff LaPierre repeated that she had not received any
12 response from her HR contacts, including Monroe and O’Neil, and again requested a
13 meeting before her pending termination.
14

15 416. Plaintiff LaPierre’s email reiterated her request to be heard.
16

17 417. In that same email, Plaintiff LaPierre requested a Zoom meeting as she “will not have
18 gas money or transportation to get all the way to Seattle due to mandated
19 termination.”
20

21 418. In that same email, Plaintiff LaPierre noted that she had become aware of Facebook
22 posts made by Deputy Director Monroe and felt harassed by the content.
23

24 419. Plaintiff LaPierre’s email also stated that Plaintiff was offered no reasonable
25 accommodation despite offering possible accommodations.
26

420. Plaintiff LaPierre’s email attached her resume for consideration of remote working
of administrative duties.

1 421. Plaintiff LaPierre's email also attached her religious exemption again.

2 422. On or about October 19, 2021, Plaintiff LaPierre sent a follow-up email to Deputy
3 Monroe that she "emailed the exemption Saturday. I got an autoreply. I was
4 wondering if anyone had a chance to review my exemption and read my letter? Please
5 keep me informed so I am not just hanging."
6

7 423. On information and belief, Defendants did not engage in any interactive process with
8 Plaintiff LaPierre.
9

10 424. On information and belief, Defendants were on notice of Plaintiff LaPierre's request
11 for religious exemption from the COVID-19 vaccination and ignored that request.
12

13 425. Despite Plaintiff LaPierre's multiple outreach efforts, Defendants never provided
14 confirmation that her exemption or accommodation request was received or
15 reviewed, nor did they schedule a *Loudermill* hearing.

16 426. Plaintiff LaPierre reached out to her representative, to the exemption alias, to the
17 exemption team, and her requests for exemption, *Loudermill* hearing, and general
18 requests to be heard went ignored.
19

20 427. At no point did Defendants acknowledge receipt of Plaintiff's religious exemption
21 request or engage in a timely, good-faith, interactive process to evaluate possible
22 accommodations.
23

24 428. Plaintiff LaPierre's repeated efforts to communicate with HR representatives, the
25 exemption team, and union contacts went largely unanswered, resulting in procedural
26 confusion and distress.

1 429. Upon information and belief, this procedural confusion led to Plaintiff LaPierre's
2 unlawful termination.

3 430. Upon information and belief, Plaintiff LaPierre believes that her bringing up HR
4 Deputy Monroe's Facebook post may have also contributed to Defendants' refusal to
5 engage with Plaintiff.
6

7 431. Upon information and belief, Defendants retaliated against Plaintiff LaPierre for
8 raising concerns about Monroe's Facebook post in her October 16, 2021, email, and
9 denied her the opportunity to be heard before the October 18 deadline.
10

11 432. On October 18, 2021, the State terminated this employee's continued public
12 employment without the employee's consent for not complying with the Vaccine
13 Requirement and the religious exemption was not accommodated.
14

15 **FF. Plaintiff Michael Brown**

16 433. Plaintiff Brown sincerely held a religious belief that conflicted with the ability to
17 comply with the Vaccine Requirement.
18

19 434. Plaintiff Brown is a Christian whose religious beliefs do not allow him to take any
20 substance that can potentially alter his DNA, MRNA, or any other parts of his god-
21 given physical being, or to knowingly participate in the killing of an unborn baby by
22 using a product that was derived from the cells obtained aborting a child.
23

24 435. On September 13, 2021, Plaintiff Brown submitted a religious exemption request
25 form that notified the Defendants about the sincerely-held religious belief and how it
26 conflicted with the ability to comply with the Vaccine Requirement.

1 436. Initially, on or about September 14, 2021, Defendants stated that WSDOT HR did
2 not receive sufficient information to determine whether Plaintiff's request was based
3 on a sincerely held religious belief that prevented him from being vaccinated and
4 therefore could not be approved.
5

6 437. On or about September 15, 2021, Plaintiff Brown again restated his religious beliefs
7 that conflicted with receiving the COVID-19 vaccination and asked for Defendants
8 to re-evaluate their decision following both federal and state law.
9

10 438. On or about September 16, 2021, HR Manager Merlinda Sain responded, "There is
11 no doubt that you have a sincerely held religious belief..." and asked Plaintiff Brown
12 to provide additional information to re-evaluate his request.
13

14 439. On or about September 23, 2021, Plaintiff Brown responded stating that, "My beliefs
15 do not allow me to take any substance that can potentially alter my DNA, MRNA, or
16 any other parts of my god given physical being. I also object to the source of the fetal
17 cells than [sic] were used in either development, testing, or manufacture of the
18 vaccines."
19

20 440. Defendants then considered Plaintiff Brown's request for a religious exemption, they
21 determined a sincerely held a religious belief conflicted with the ability to comply
22 with the Vaccine Requirement, they granted the exemption, and they notified the
23 Plaintiff about the decision.
24

25 441. In the same notice, and without further input from the Plaintiff regarding
26 accommodating the exemption, Defendants determined they could not accommodate

Plaintiff's religious belief in the Plaintiff's current position because "the essential functions of your position require unavoidable and/or unpredictable interactions with others in the workplace and/or with members [of] (*sic*) the public."

442. The only possible accommodation Defendants would consider is the possibility of reassignment to a currently funded, equal or less paying, available job that had no job duty that would require unavoidable and/or unpredictable interactions with co-workers or the public, and that Plaintiff was qualified to perform.

443. Defendants warned, however, that reassignment positions were limited and there was no guarantee that any such job was available.

444. In fact, there were no reassignment positions available to the Plaintiff based on the reassignment limitations.

445. On October 18, 2021, the State terminated this employee's continued public employment without the employee's consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

446. Plaintiff Brown requested a *Loudermill* hearing but was not given one.

GG. Plaintiff Michael Uribe

447. Plaintiff Uribe sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

448. Plaintiff Uribe is a lifelong practicing Catholic who holds a sincerely held religious belief that prohibits him from receiving the COVID-19 vaccine. Plaintiff Uribe believes that the available COVID-19 vaccines were developed or tested using

1 abortion-derived fetal cells, which he finds morally objectionable and incompatible
2 with Catholic doctrine. The use of these vaccines would be a violation of Catholic
3 Doctrine on the duty to adhere to moral conscience and in contraindication with
4 instruction of the Vatican and under the teaching of the Catholic Church which he
5 follows. Therefore, Plaintiff Uribe is religious and morally bound from receiving this
6 vaccine.
7

8 449. On or about September 10, 2021, Plaintiff Uribe submitted a religious exemption
9 request form that notified the Defendants about the sincerely-held religious belief and
10 how it conflicted with the ability to comply with the Vaccine Requirement.
11

12 450. Subsequently, Defendants requested additional information from Plaintiff Uribe
13 regarding the religious belief and how the religious belief conflicted with the ability
14 to comply with the Vaccine Requirement.
15

16 451. On or about September 10, 2021, Plaintiff Uribe complied with Defendants' request
17 and provided the supplemental information about the sincerely held religious beliefs
18 and how the belief conflicted with the ability to comply with the Vaccine
19 Requirement.
20

21 452. Defendants then considered Plaintiff Uribe's request for a religious exemption, they
22 determined a sincerely held a religious belief conflicted with the ability to comply
23 with the Vaccine Requirement, they granted the exemption, and they notified the
24 Plaintiff about the decision.
25
26

1 453. In the same notice, and without further input from the Plaintiff regarding
2 accommodating the exemption, Defendants determined they could not accommodate
3 Plaintiff's religious belief in the Plaintiff's current position because "the essential
4 functions of your position require unavoidable and/or unpredictable interactions with
5 others in the workplace and/or with members [of] (*sic*) the public."

7 454. The only possible accommodation Defendants would consider is the possibility of
8 reassignment to a currently funded, equal or less paying, available job that had no job
9 duty that would require unavoidable and/or unpredictable interactions with co-
10 workers or the public, and that Plaintiff was qualified to perform.

12 455. Defendants warned, however, that reassignment positions were limited and there was
13 no guarantee that any such job was available.

14 456. In fact, there were no reassignment positions available to the Plaintiff based on the
15 reassignment limitations.

17 457. In or about January 2023, Plaintiff Uribe reapplied to WSDOT and received
18 conditional offer of employment with WSDOT.

19 458. Based on this religious conflict, Plaintiff Uribe submitted a religious exemption
20 request form on or about January 3, 2023.

22 459. Defendants determined, based upon the information Plaintiff Uribe provided, that
23 Plaintiff's request for a religious exemption is based on a sincerely held religious
24 belief that prevents Plaintiff from being vaccinated against COVID-19.
25
26

1 460. In determining Plaintiff Uribe's accommodation, Defendants determined, "After
 2 carefully reviewing your job classification, essential functions, and working
 3 environment, we have determined there are possible accommodations that can be
 4 considered and offered in the position which you have received a conditional offer of
 5 employment, which can sufficiently mitigate or eliminate the risk associated with
 6 having an unvaccinated employee performing the essential functions of your
 7 position."
 8

9 461. Defendants determined, "Based on Center for Disease Control (CDC) and the
 10 Washington State Department of Health (DOH) determination of COVID-19
 11 transmission and fatality levels, you may be required to follow further safety
 12 restrictions as an unvaccinated employee at the workplace as outlined by the WSDOT
 13 publication, "Beyond COVID, the Road Forward" or as determined by yourself,
 14 Safety, HR, and Management as part of the interactive Reasonable Accommodation
 15 process.
 16

- 17 • You will be allowed to be present at the worksite as frequently
 18 and necessary to meet business needs without restrictions or
 19 limitations. Daily Ready Op health screenings and Safety
 20 guidelines apply to all employees reporting to a WSDOT facility
 21 or worksite.
- 22 • WSDOT will monitor the Center for Disease Control CDC
 23 COVID Data Tracker: County View map. If weekly case rates
 24 increase to the high level in a specific county, employees who
 25 have an approved Reasonable Accommodation may be restricted
 26 from coming to the worksite, working at the worksite, or may be
 required to use PPE. Additionally, per Labor and Industries (L&I),
 if there is an outbreak of ten (10) or more test confirmed employee
 COVID-19 infections in a specific workplace, employees who
 have an approved Reasonable Accommodation may be restricted

from coming to the worksite, working at the worksite, or may be required to use PPE.

- Your Reasonable Accommodation will be reviewed annually, unless, as stated above, the county that you work in is elevated to the high level according to the CDC COVID Data Tracker: County View map .”

462. On or about June 20, 2023, Plaintiff Uribe received correspondence from HR Manager Travis Vanderpool stating that based on Gov. Inslee’s rescission of Directive 22-13.1, COVID-19 vaccination is no longer a condition of employment, and therefore his Religious Accommodation for exemption from COVID-19 vaccination as a condition of employment was being closed effective the date on this letter.

463. On October 18, 2021, the State terminated this employee’s continued public employment without the employee’s consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

HH. Plaintiff Michael Watkins

464. Plaintiff Watkins sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

465. Plaintiff Watkins is a Christian whose faith tells him that the human body is a temple of the holy spirit (1 Corinthians 6:19-20), and that the whole spirit, soul and body is to be kept blameless (1 Thessalonians 5:23), so injecting stem cells of unknown origins is religiously wrong; moreover, in his prayers, God revealed that he must not take the experimental drug that is the COVID-19 vaccines. Based on these sincerely

1 held religious beliefs, Mr. Watkins is unable to take the COVID-19 vaccines
2 currently available.

3
4 466. On September 10, 2021, Plaintiff Watkins submitted a religious exemption request
5 form that notified the Defendants about the sincerely-held religious belief and how it
6 conflicted with the ability to comply with the Vaccine Requirement.

7
8 467. Defendants then considered Plaintiff Watkins's request for a religious exemption,
9 they determined a sincerely held a religious belief conflicted with the ability to
10 comply with the Vaccine Requirement, they granted the exemption, and they notified
11 the Plaintiff about the decision.

12
13 468. In the same notice, and without further input from the Plaintiff regarding
14 accommodating the exemption, Defendants determined they could not accommodate
15 Plaintiff's religious belief in the Plaintiff's current position because "the essential
16 functions of your position require unavoidable and/or unpredictable interactions with
17 others in the workplace and/or with members [of] (*sic*) the public."

18
19 469. The only possible accommodation Defendants would consider is the possibility of
20 reassignment to a currently funded, equal or less paying, available job that had no job
21 duty that would require unavoidable and/or unpredictable interactions with co-
22 workers or the public, and that Plaintiff was qualified to perform.

23
24 470. Defendants warned, however, that reassignment positions were limited and there was
25 no guarantee that any such job was available.
26

1 471. In fact, there were no reassignment positions available to the Plaintiff based on the
2 reassignment limitations.

3
4 472. On October 18, 2021, the State terminated this employee's continued public
5 employment without the employee's consent for not complying with the Vaccine
6 Requirement and the religious exemption was not accommodated.

7
8 **II. Plaintiff Nathan Kesler**

9 473. Plaintiff Kesler sincerely held a religious belief that conflicted with the ability to
10 comply with the Vaccine Requirement.

11 474. Plaintiff Kesler is a Christian. Taking the Covid-19 vaccines would conflict with his
12 strongly held religious beliefs, because the vaccines in question have been produced
13 and tested with fetal cell lines from aborted babies; and as a faithful Christian
14 opposed to abortion, he cannot use any product that takes its origin in abortion.

15
16 475. On August 31, 2021, Plaintiff Kesler submitted a religious exemption request form
17 that notified the Defendants about the sincerely-held religious belief and how it
18 conflicted with the ability to comply with the Vaccine Requirement.

19
20 476. Subsequently, Defendants requested additional information from Plaintiff Kesler
21 regarding the religious belief and how the religious belief conflicted with the ability
22 to comply with the Vaccine Requirement.

23
24 477. On September 24, 2021, Plaintiff Kesler complied with Defendants' request and
25 provided the supplemental information about the sincerely held religious beliefs and
26 how the belief conflicted with the ability to comply with the Vaccine Requirement.

1 478. Defendants then considered Plaintiff Kesler's request for a religious exemption, they
2 determined a sincerely held a religious belief conflicted with the ability to comply
3 with the Vaccine Requirement, they granted the exemption, and they notified the
4 Plaintiff about the decision.
5

6 479. In the same notice, and without further input from the Plaintiff regarding
7 accommodating the exemption, Defendants determined they could not accommodate
8 Plaintiff's religious belief in the Plaintiff's current position because "the essential
9 functions of your position require unavoidable and/or unpredictable interactions with
10 others in the workplace and/or with members [of] (*sic*) the public."
11

12 480. The only possible accommodation Defendants would consider is the possibility of
13 reassignment to a currently funded, equal or less paying, available job that had no job
14 duty that would require unavoidable and/or unpredictable interactions with co-
15 workers or the public, and that Plaintiff was qualified to perform.
16

17 481. Defendants warned, however, that reassignment positions were limited and there was
18 no guarantee that any such job was available.

19 482. In fact, there were no reassignment positions available to the Plaintiff based on the
20 reassignment limitations.
21

22 483. Plaintiff Kesler received notice of separation from Defendants effective October 18,
23 2021.

24 484. On or about September 30, 2021, Plaintiff Kesler applied for Paid Family and
25 Medical Leave unrelated to the COVID-19 vaccine.
26

1 485. One or about October 25, 2021, Plaintiff Kesler's PMFLA request was approved
2 from October 1, 2021, to January 1, 2022.

3 486. On or about October 15, 2021, Secretary of Transportation, Robert Millar rescinded
4 Plaintiff Kesler's termination notice based on information Defendants had received
5 and Plaintiff Kesler could continue his employment.
6

7 487. On or about January 20, 2022, Plaintiff Kesler received notice that his termination
8 would be effective at the end of his PMFLA on January 2, 2022.
9

10 488. On January 2, 2022, the State terminated this employee's continued public
11 employment without the employee's consent for not complying with the Vaccine
12 Requirement and the religious exemption was not accommodated.
13

14 **JJ. Plaintiff Nicholas Auckland**

15 489. Plaintiff Auckland sincerely held a religious belief that conflicted with the ability to
16 comply with the Vaccine Requirement.

17 490. Plaintiff Auckland is a Christian who believes in God, Jesus Christ, and the Holy
18 Spirit as one. He holds a sincerely held religious conviction, supported by scripture
19 such as 1 Corinthians 6:19–20, that his body is a temple and that he must not defile
20 it by injecting unknown substances, especially those connected to aborted fetal cell
21 lines. Plaintiff Auckland believes that receiving the COVID-19 vaccine would violate
22 his faith and moral conscience.
23

24 491. Despite holding these religious beliefs, Plaintiff Auckland did not formally submit a
25 religious exemption request because he reasonably believed, based on WSDOT's
26

1 pattern and practice of denying accommodation of nearly all such requests without
2 meaningful review, that doing so would be futile.

3
4 492. Plaintiff Auckland was aware of multiple coworkers whose exemption requests were
5 granted but unable to be accommodation and observed that the agency had
6 predetermined outcomes without engaging in good faith or individualized evaluation.

7
8 493. Plaintiff Auckland's decision not to submit a formal exemption was the result of a
9 chilling effect created by WSDOT's conduct, not a lack of religious conviction.

10 494. On October 18, 2021, the State terminated this employee's continued public
11 employment without the employee's consent for not complying with the Vaccine
12 Requirement and the religious exemption was not accommodated.

13
14 **KK. Plaintiff Nicole Preziosi**

15 495. Plaintiff Preziosi sincerely held a religious belief that conflicted with the ability to
16 comply with the Vaccine Requirement.

17
18 496. On September 15, 2021, Plaintiff Preziosi submitted a religious exemption request
19 form that notified the Defendants about the sincerely-held religious belief and how it
20 conflicted with the ability to comply with the Vaccine Requirement.

21 497. Initially, on or about September 21, 2021, HR Director Jeff Pelton sent
22 correspondence where Defendants stated that WSDOT HR did not receive sufficient
23 information to determine whether Plaintiff's request was based on a sincerely held
24 religious belief that prevented him from being vaccinated and therefore could not be
25 approved.
26

1 498. On or about September 23, 2021, Plaintiff Preziosi responded to the denial stating,
2 “Your response is not only disrespectful, but inappropriate based on your original
3 request. The Religious Exemption form was completely perfectly on my end. If there
4 was not enough information provided than you should either expand the scope of the
5 form, and/or request more information from me.”
6

7 499. Deputy Kim Monroe responded the same day, apologizing and validating the
8 information Plaintiff Preziosi provided and approved her religious exemption but was
9 unable to accommodate.
10

11 500. Defendants then considered Plaintiff Preziosi’s request for a religious exemption,
12 they determined a sincerely held a religious belief conflicted with the ability to
13 comply with the Vaccine Requirement, they granted the exemption, and they notified
14 the Plaintiff about the decision.
15

16 501. In the same notice, and without further input from the Plaintiff regarding
17 accommodating the exemption, Defendants determined they could not accommodate
18 Plaintiff’s religious belief in the Plaintiff’s current position because “the essential
19 functions of your position require unavoidable and/or unpredictable interactions with
20 others in the workplace and/or with members [of] (*sic*) the public.”
21

22 502. The only possible accommodation Defendants would consider is the possibility of
23 reassignment to a currently funded, equal or less paying, available job that had no job
24 duty that would require unavoidable and/or unpredictable interactions with co-
25 workers or the public, and that Plaintiff was qualified to perform.
26

1 503. Defendants warned, however, that reassignment positions were limited and there was
2 no guarantee that any such job was available.

3 504. In fact, there were no reassignment positions available to the Plaintiff based on the
4 reassignment limitations.

5 505. On October 18, 2021, the State terminated this employee's continued public
6 employment without the employee's consent for not complying with the Vaccine
7 Requirement and the religious exemption was not accommodated.
8

9
10 **LL. Plaintiff Peter Duncan**

11 506. Plaintiff Duncan sincerely held a religious belief that conflicted with the ability to
12 comply with the Vaccine Requirement.

13 507. Plaintiff Duncan is a practicing Catholic who holds a sincerely held religious belief
14 that receiving the COVID-19 vaccine would violate his conscience and moral
15 teachings of his faith. His objection stems from core Catholic doctrines that
16 vaccination must be voluntary, that it may be morally impermissible to use medical
17 products derived from aborted fetal cell lines, and that individual conscience must be
18 respected when it leads a person to decline such interventions. His pastor supported
19 this objection,
20

21 508. On August 25, 2021, Plaintiff Duncan submitted a religious exemption request form
22 that notified the Defendants about the sincerely-held religious belief and how it
23 conflicted with the ability to comply with the Vaccine Requirement.
24
25
26

1 509. Defendants then considered Plaintiff Duncan's request for a religious exemption,
2 they determined a sincerely held a religious belief conflicted with the ability to
3 comply with the Vaccine Requirement, they granted the exemption, and they notified
4 the Plaintiff about the decision.
5

6 510. In the same notice, and without further input from the Plaintiff regarding
7 accommodating the exemption, Defendants determined they could not accommodate
8 Plaintiff's religious belief in the Plaintiff's current position because "the essential
9 functions of your position require unavoidable and/or unpredictable interactions with
10 others in the workplace and/or with members [of] (*sic*) the public."
11

12 511. The only possible accommodation Defendants would consider is the possibility of
13 reassignment to a currently funded, equal or less paying, available job that had no job
14 duty that would require unavoidable and/or unpredictable interactions with co-
15 workers or the public, and that Plaintiff was qualified to perform.
16

17 512. Defendants warned, however, that reassignment positions were limited and there was
18 no guarantee that any such job was available.

19 513. In fact, there were no reassignment positions available to the Plaintiff based on the
20 reassignment limitations.
21

22 514. Plaintiff Duncan also submitted a medical exemption request. When asked by
23 WSDOT whether he intended to proceed with both requests, Plaintiff Duncan
24 expressly confirmed that he wished to move forward with both the medical and
25 religious exemption processes as both applied.
26

1 515. However, upon information and belief, Defendants never acknowledged or processed
2 Plaintiff Duncan's medical exemption request.

3
4 516. Instead, Defendants only granted Plaintiff Duncan's religious exemption without
5 providing any explanation as to why the medical exemption was disregarded.

6 517. Plaintiff Duncan was never given an opportunity to have both requests fairly
7 evaluated, and Defendants failed to engage in a good faith interactive process
8 regarding potential accommodations under either exemption.

9
10 518. On October 18, 2021, the State terminated this employee's continued public
11 employment without the employee's consent for not complying with the Vaccine
12 Requirement and the religious exemption was not accommodated.

13
14 **MM. Plaintiff Richard Ostrander**

15 519. Plaintiff Ostrander sincerely held a religious belief that conflicted with the ability to
16 comply with the Vaccine Requirement.

17 520. Plaintiff Ostrander is a Lutheran Christian who held a sincere religious belief that
18 receiving the COVID-19 vaccine would violate his faith. Plaintiff Ostrander
19 expressed a belief that his body is a temple of God and must be treated as such, citing
20 scripture and spiritual conviction as the basis for rejecting the vaccine. Plaintiff
21 believed that being forced to take the vaccine, particularly one associated with fetal
22 cell lines, would compromise his moral and religious integrity.
23
24
25
26

1 521. On September 7, 2021, Plaintiff Ostrander submitted a religious exemption request
2 form that notified the Defendants about the sincerely-held religious belief and how it
3 conflicted with the ability to comply with the Vaccine Requirement.
4

5 522. Defendants then considered Plaintiff Ostrander's request for a religious exemption,
6 they determined a sincerely held a religious belief conflicted with the ability to
7 comply with the Vaccine Requirement, they granted the exemption, and they notified
8 the Plaintiff about the decision.
9

10 523. In the same notice, and without further input from the Plaintiff regarding
11 accommodating the exemption, Defendants determined they could not accommodate
12 Plaintiff's religious belief in the Plaintiff's current position because "the essential
13 functions of your position require unavoidable and/or unpredictable interactions with
14 others in the workplace and/or with members [of] (*sic*) the public."
15

16 524. The only possible accommodation Defendants would consider is the possibility of
17 reassignment to a currently funded, equal or less paying, available job that had no job
18 duty that would require unavoidable and/or unpredictable interactions with co-
19 workers or the public, and that Plaintiff was qualified to perform.
20

21 525. Defendants warned, however, that reassignment positions were limited and there was
22 no guarantee that any such job was available.
23

24 526. In fact, there were no reassignment positions available to the Plaintiff based on the
25 reassignment limitations.
26

1 527. Plaintiff Ostrander submitted a Reassignment Request From on or about September
2 30, 2021.

3
4 528. On or about October 6, 2021, Plaintiff Ostrander requested a *Loudermill* hearing.

5 529. On or about October 7, 2021, HR Manager Kirors-Sweet responded that Plaintiff
6 Ostrander would not receive a *Loudermill* hearing since *Loudermill* hearing was for
7 handling at-fault terminations.

8
9 530. On October 18, 2021, the State terminated this employee's continued public
10 employment without the employee's consent for not complying with the Vaccine
11 Requirement and the religious exemption was not accommodated.

12
13 **NN. Plaintiff Robert Washabaugh**

14 531. Plaintiff Washabaugh sincerely held a religious belief that conflicted with the ability
15 to comply with the Vaccine Requirement.

16 532. Plaintiff Washabaugh is a Catholic Christian. Plaintiff believes that the human body
17 is sacred and that altering it with substances developed using fetal cell lines violates
18 his religious convictions. Plaintiff feels a deep spiritual obligation to preserve the
19 body as created by God, and believes that reliance on pharmaceutical interventions,
20 particularly vaccines developed or tested using methods contrary to his religious
21 teachings, conflicts with his faith. These beliefs have guided the Plaintiff's medical
22 choices for years, and Plaintiff has consistently strived to follow Biblical principles
23 when making health-related decisions. Plaintiff's decision not to receive the vaccine
24
25
26

1 stems directly from prayer, spiritual discernment, and their desire to act in accordance
2 with their conscience and God's guidance.

3
4 533. On September 2, 2021, Plaintiff Washabaugh submitted a religious exemption
5 request form that notified the Defendants about the sincerely-held religious belief and
6 how it conflicted with the ability to comply with the Vaccine Requirement.

7 534. Subsequently, Defendants requested additional information from Plaintiff
8 Washabaugh regarding the religious belief and how the religious belief conflicted
9 with the ability to comply with the Vaccine Requirement.

10
11 535. On September 10, 2021, Plaintiff Washabaugh complied with Defendants' request
12 and provided the supplemental information about the sincerely held religious beliefs
13 and how the belief conflicted with the ability to comply with the Vaccine
14 Requirement.

15
16 536. Defendants then considered Plaintiff Washabaugh's request for a religious
17 exemption, they determined a sincerely held a religious belief conflicted with the
18 ability to comply with the Vaccine Requirement, they granted the exemption, and
19 they notified the Plaintiff about the decision.

20
21 537. In the same notice, and without further input from the Plaintiff regarding
22 accommodating the exemption, Defendants determined they could not accommodate
23 Plaintiff's religious belief in the Plaintiff's current position because "the essential
24 functions of your position require unavoidable and/or unpredictable interactions with
25 others in the workplace and/or with members [of] (*sic*) the public."
26

538. The only possible accommodation Defendants would consider is the possibility of reassignment to a currently funded, equal or less paying, available job that had no job duty that would require unavoidable and/or unpredictable interactions with co-workers or the public, and that Plaintiff was qualified to perform.

539. Defendants warned, however, that reassignment positions were limited and there was no guarantee that any such job was available.

540. In fact, there were no reassignment positions available to the Plaintiff based on the reassignment limitations.

541. On October 18, 2021, the State terminated this employee's continued public employment without the employee's consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

OO. Plaintiff Rodney Pelham

542. Plaintiff Pelham sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

543. Plaintiff Pelham is a lifelong Jehovah's Witness who was baptized at the age of 11 and has consistently structured his moral and medical decisions around his faith and study of the Bible. He believes that his body is a temple and that he must care for it in a way that honors God. Drawing from scriptural principles such as Proverbs 14:15, Titus 2:12, and 1 Timothy 5:8, Plaintiff exercised caution regarding the COVID-19 vaccine, viewing it as a serious, permanent medical decision that must be made with spiritual discernment and personal responsibility.

1 544. Plaintiff Pelham viewed submitting to a government mandate under threat of job loss
 2 as a violation of his duty to make medical decisions based on his faith and
 3 responsibility to provide for his family.
 4

5 545. Plaintiff Pelham's decision not to receive the vaccine was not political or medical
 6 alone, but a deeply personal act of spiritual obedience and religious conviction.
 7

8 546. On October 18, 2021, the State terminated this employee's continued public
 9 employment without the employee's consent for not complying with the Vaccine
 10 Requirement and the religious exemption was not accommodated.
 11

PP. Plaintiff Ronald Vessey

12 547. Plaintiff Vessey sincerely held a religious belief that conflicted with the ability to
 13 comply with the Vaccine Requirement.
 14

15 548. Plaintiff Vessey believes the body is a temple of the Holy Spirit and that the mRNA
 16 and adenovirus-based vaccines defile this temple by overriding God's perfect, natural
 17 immune design. Unlike traditional vaccines that supplement the immune system,
 18 these new vaccines are, in his view, designed to reprogram it, an act Plaintiff
 19 considers a sin. His objection is based on scriptural guidance, including 1 Corinthians
 20 3:16–17 and 2 Corinthians 7:1, and a belief that submitting to such a vaccine would
 21 violate his moral obligation to honor God's creation. Plaintiff is aware that the Covid-
 22 19 vaccines use a brand-new vaccine technology that contain synthetic and other
 23 objectionable unknown proprietary ingredients; and it is his sincerely held religious
 24 belief that these synthetic and other objectionable unknown proprietary ingredients
 25
 26

1 (contaminants) will defile his body. Furthermore, unlike conventional vaccines, these
2 new mRNA and Adenovirus vaccines are designed to override or replace his God-
3 given natural immunity by encoding a spike protein or a variant of the spike protein.
4 He believes that if God wanted his body to produce this foreign protein, God would
5 have designed him to do so. In contrast, conventional vaccines, like those used for
6 polio and influenza, use a weakened or inactivated version of a pathogen that causes
7 a disease, to provoke a natural, God-given immune response. This type of a vaccine
8 is designed to enhance or supplement the God-given natural immune system. He
9 believes that to knowingly try to override God's perfect design to keep him healthy,
10 and not simply supplement it by exposing himself to a harmless virus, defiles the
11 temple that the Holy Spirit dwells in and commits a sin against God.
12
13

14 549. On August 26, 2021, Plaintiff Vessey submitted a religious exemption request form
15 that notified the Defendants about the sincerely-held religious belief and how it
16 conflicted with the ability to comply with the Vaccine Requirement.
17

18 550. Subsequently, Defendants requested additional information from Plaintiff Vessey
19 regarding the religious belief and how the religious belief conflicted with the ability
20 to comply with the Vaccine Requirement.
21

22 551. On September 3, 2021, Plaintiff Vessey complied with Defendants' request and
23 provided the supplemental information about the sincerely held religious beliefs and
24 how the belief conflicted with the ability to comply with the Vaccine Requirement.
25
26

1 552. Defendants then considered Plaintiff Vessey's request for a religious exemption, they
2 determined a sincerely held a religious belief conflicted with the ability to comply
3 with the Vaccine Requirement, they granted the exemption, and they notified the
4 Plaintiff about the decision.
5

6 553. In the same notice, and without further input from the Plaintiff regarding
7 accommodating the exemption, Defendants determined they could not accommodate
8 Plaintiff's religious belief in the Plaintiff's current position because "the essential
9 functions of your position require unavoidable and/or unpredictable interactions with
10 others in the workplace and/or with members [of] (*sic*) the public."
11

12 554. The only possible accommodation Defendants would consider is the possibility of
13 reassignment to a currently funded, equal or less paying, available job that had no job
14 duty that would require unavoidable and/or unpredictable interactions with co-
15 workers or the public, and that Plaintiff was qualified to perform.
16

17 555. Defendants warned, however, that reassignment positions were limited and there was
18 no guarantee that any such job was available. d
19

20 556. In fact, there were no reassignment positions available to the Plaintiff based on the
21 reassignment limitations.
22

23 557. When inquiring about retirement, on or about August 23, 2021, before any religious
24 exemption determination was made, Plaintiff Vessey had stated to his assigned HR
25 Consultant, Alana Neal, "Can you tell me if a decision has been made regarding the
26 timing of retirement? Specifically, can my official retirement date be December 1

1 while I am on annual leave beginning mid or early October? Please be aware this is
2 my worst case scenario as I do not want to retire and face a significant financial
3 penalty for retiring before 62. This is only a backup in case my exemption request is
4 denied.”

5
6 558. Plaintiff Vessey submitted a Reassignment Request From on or about September 24,
7 2021.

8
9 559. On or about September 30, 2021, WSDOT sent Plaintiff Vessey written notification
10 that the agency was “not able to identify any vacant funded positions that meet your
11 skills and abilities” for a job reassignment.

12
13 560. After receiving this denial, Plaintiff Vessey believed he had no viable path to
14 accommodation and began discussing retirement options with WSDOT personnel.

15
16 561. Upon information and belief, on or about October 13, 2021, Mr. Vessey
17 communicated with HR Manager Alana Neal, who informed him that if he planned
18 to retire, he should do so immediately (“this morning”) to avoid receiving a
19 separation letter.

20
21 562. That same morning, Plaintiff Vessey officially retired and forwarded confirmation of
22 his retirement to WSDOT.

23
24 563. Later that evening, WSDOT emailed Plaintiff Vessey acknowledging receipt of his
25 retirement notice.

26
564. However, on October 14, 2021, after Plaintiff Vessey had already retired, he received
another email from WSDOT stating that a Transportation Engineer 3 position had

1 been identified as a potential reassignment opportunity and offered to him as a
2 reasonable accommodation.

3
4 565. Plaintiff believed this was a job he was unqualified for and placed him in a much
5 greater health risk than if he remained in his current job.

6 566. Plaintiff Vessey expressed frustration and confusion, stating that the agency's
7 conflicting communication caused him emotional distress and led him to believe
8 retirement was his only viable option to protect his pension.

9
10 567. WSDOT initially denying a reassignment and then offering a position after Plaintiff
11 Vessey's retirement was acknowledged, undermined the interactive process and
12 deprived Mr. Vessey of a meaningful opportunity to consider the accommodation.

13 568. On information and belief, WSDOT's delayed and contradictory actions effectively
14 forced Plaintiff Vessey into a premature retirement, amounting to a constructive
15 discharge.

16
17 569. On October 18, 2021, the State terminated this employee's continued public
18 employment without the employee's consent for not complying with the Vaccine
19 Requirement and the religious exemption was not accommodated.
20

21 **QQ. Plaintiff Ryan Eubank**

22 570. Plaintiff Eubank sincerely held a religious belief that conflicted with the ability to
23 comply with the Vaccine Requirement.

24
25 571. Plaintiff Eubank's religion states that his is living to please God and it is God's will
26 that he must sanctify his body in a way that is holy and honorable to Him. Further

1 based on his religion, Plaintiff believes that his body is temple and that he must treat
2 it as such to preserve its sanctity. Injecting foreign and unnatural substances, such as
3 the COVID-19 vaccine, would violate his religious beliefs before God. This sanctity
4 is fundamental to his beliefs in the scriptures of his religion and in accordance with
5 his convictions before God.
6

7 572. On September 12, 2021, Plaintiff Eubank submitted a religious exemption request
8 form that notified the Defendants about the sincerely-held religious belief and how it
9 conflicted with the ability to comply with the Vaccine Requirement.
10

11 573. Defendants then considered Plaintiff Eubank's request for a religious exemption,
12 they determined a sincerely held a religious belief conflicted with the ability to
13 comply with the Vaccine Requirement, they granted the exemption, and they notified
14 the Plaintiff about the decision.
15

16 574. In the same notice, and without further input from the Plaintiff regarding
17 accommodating the exemption, Defendants determined they could not accommodate
18 Plaintiff's religious belief in the Plaintiff's current position because "the essential
19 functions of your position require unavoidable and/or unpredictable interactions with
20 others in the workplace and/or with members [of] (*sic*) the public."
21

22 575. The only possible accommodation Defendants would consider is the possibility of
23 reassignment to a currently funded, equal or less paying, available job that had no job
24 duty that would require unavoidable and/or unpredictable interactions with co-
25 workers or the public, and that Plaintiff was qualified to perform.
26

1 576. Defendants warned, however, that reassignment positions were limited and there was
2 no guarantee that any such job was available.

3 577. In fact, there were no reassignment positions available to the Plaintiff based on the
4 reassignment limitations.
5

6 578. Plaintiff Eubank submitted a Reassignment Request From on or about September 27,
7 2021.

8 579. Plaintiff did not receive a response to his reassignment request.
9

10 580. On October 18, 2021, the State terminated this employee's continued public
11 employment without the employee's consent for not complying with the Vaccine
12 Requirement and the religious exemption was not accommodated.
13

14 **RR. Plaintiff Scott Schutt**

15 581. Plaintiff Schutt sincerely held a religious belief that conflicted with the ability to
16 comply with the Vaccine Requirement.

17 582. Plaintiff Schutt is a Christian who attends the Assembly of God Church. Plaintiff's
18 religious belief is that medicine derived from aborted fetuses is morally and
19 spiritually wrong, and it is his duty as a Christian to protect his body, a temple for the
20 holy spirit, from defilement. Based on his sincerely held religious beliefs, Mr. Schutt
21 is unable to take the COVID-19 vaccines currently available.
22

23 583. On August 26, 2021, Plaintiff Schutt submitted a religious exemption request form
24 that notified the Defendants about the sincerely-held religious belief and how it
25 conflicted with the ability to comply with the Vaccine Requirement.
26

1 584. Defendants then considered Plaintiff Schutt's request for a religious exemption, they
2 determined a sincerely held a religious belief conflicted with the ability to comply
3 with the Vaccine Requirement, they granted the exemption, and they notified the
4 Plaintiff about the decision.
5

6 585. In the same notice, and without further input from the Plaintiff regarding
7 accommodating the exemption, Defendants determined they could not accommodate
8 Plaintiff's religious belief in the Plaintiff's current position because "the essential
9 functions of your position require unavoidable and/or unpredictable interactions with
10 others in the workplace and/or with members [of] (*sic*) the public."
11

12 586. The only possible accommodation Defendants would consider is the possibility of
13 reassignment to a currently funded, equal or less paying, available job that had no job
14 duty that would require unavoidable and/or unpredictable interactions with co-
15 workers or the public, and that Plaintiff was qualified to perform.
16

17 587. Defendants warned, however, that reassignment positions were limited and there was
18 no guarantee that any such job was available.

19 588. In fact, there were no reassignment positions available to the Plaintiff based on the
20 reassignment limitations.
21

22 589. On October 18, 2021, the State terminated this employee's continued public
23 employment without the employee's consent for not complying with the Vaccine
24 Requirement and the religious exemption was not accommodated.
25
26

1 **SS. Plaintiff Sean Morgan**

2 590. Plaintiff Morgan sincerely held a religious belief that conflicted with the ability to
3 comply with the Vaccine Requirement.

4
5 591. As a Christian, Plaintiff Morgan believes his body is a temple of the Holy Spirit and
6 that he must not defile it by introducing substances like the vaccine, which he
7 considers unclean and potentially harmful. Furthermore, many years ago, Plaintiff
8 became deeply convicted in his faith, regarding vaccines to artificially override his
9 body's natural immune system as real as reading the use of aborted fetal tissue in the
10 production and testing of vaccines. He pledged to never again participate in
11 something that would support taking anything from an unborn child and placing it
12 inside his body, which would be detestable to God. Plaintiff Morgan explained that his
13 faith teaches him to rely on God for protection and healing, and that accepting the
14 vaccine would demonstrate a lack of faith and disobedience to biblical principles.

15
16 592. On August 30, 2021, Plaintiff Morgan submitted a religious exemption request form
17 that notified the Defendants about the sincerely-held religious belief and how it
18 conflicted with the ability to comply with the Vaccine Requirement.

19
20 593. Subsequently, Defendants requested additional information from Plaintiff Morgan
21 regarding the religious belief and how the religious belief conflicted with the ability
22 to comply with the Vaccine Requirement.

23
24 594. On September 10, 2021, Plaintiff Morgan complied with Defendants' request and
25 provided the supplemental information about the sincerely held religious beliefs and
26 how the belief conflicted with the ability to comply with the Vaccine Requirement.

1 595. Defendants then considered Plaintiff Morgan's request for a religious exemption,
2 they determined a sincerely held a religious belief conflicted with the ability to
3 comply with the Vaccine Requirement, they granted the exemption, and they notified
4 the Plaintiff about the decision.

5
6 596. In the same notice, and without further input from the Plaintiff regarding
7 accommodating the exemption, Defendants determined they could not accommodate
8 Plaintiff's religious belief in the Plaintiff's current position because "the essential
9 functions of your position require unavoidable and/or unpredictable interactions with
10 others in the workplace and/or with members [of] (*sic*) the public."

11
12 597. The only possible accommodation Defendants would consider is the possibility of
13 reassignment to a currently funded, equal or less paying, available job that had no job
14 duty that would require unavoidable and/or unpredictable interactions with co-
15 workers or the public, and that Plaintiff was qualified to perform.

16
17 598. Defendants warned, however, that reassignment positions were limited and there was
18 no guarantee that any such job was available.

19 599. In fact, there were no reassignment positions available to the Plaintiff based on the
20 reassignment limitations.

21
22 600. On October 18, 2021, the State terminated this employee's continued public
23 employment without the employee's consent for not complying with the Vaccine
24 Requirement and the religious exemption was not accommodated.

1 **TT. Plaintiff Shasta Atkins**

2 601. Plaintiff Atkins sincerely held a religious belief that conflicted with the ability to
3 comply with the Vaccine Requirement.

4
5 602. On September 13, 2021, Plaintiff Atkins submitted a religious exemption request
6 form that notified the Defendants about the sincerely-held religious belief and how it
7 conflicted with the ability to comply with the Vaccine Requirement.

8 603. Defendants then considered Plaintiff Atkins's request for a religious exemption, they
9 determined a sincerely held a religious belief conflicted with the ability to comply
10 with the Vaccine Requirement, they granted the exemption, and they notified the
11 Plaintiff about the decision.
12

13 604. In the same notice, and without further input from the Plaintiff regarding
14 accommodating the exemption, Defendants determined they could not accommodate
15 Plaintiff's religious belief in the Plaintiff's current position because "the essential
16 functions of your position require unavoidable and/or unpredictable interactions with
17 others in the workplace and/or with members [of] (*sic*) the public."
18

19 605. The only possible accommodation Defendants would consider is the possibility of
20 reassignment to a currently funded, equal or less paying, available job that had no job
21 duty that would require unavoidable and/or unpredictable interactions with co-
22 workers or the public, and that Plaintiff was qualified to perform.
23

24 606. Defendants warned, however, that reassignment positions were limited and there was
25 no guarantee that any such job was available.
26

1 607. In fact, there were no reassignment positions available to the Plaintiff based on the
2 reassignment limitations.

3 608. On October 18, 2021, the State terminated this employee's continued public
4 employment without the employee's consent for not complying with the Vaccine
5 Requirement and the religious exemption was not accommodated.
6

7 609. Prior to the mandate, Plaintiff Atkins was granted 100% telework.

8 610. This included field work being waived and office work being waived for the
9 foreseeable future.
10

11 611. In fact, Plaintiff Atkin's supervisor, George, conceded that field work was not an
12 essential part of her work duties and that Plaintiff Atkins has never performed field
13 work as my essential duties or any duties since hired for the bridge office.
14

15 612. Despite the above, Plaintiff Atkins received notice of separation from Defendants
16 effective October 18, 2021.

17 613. On or about October 18, 2021, Plaintiff Atkins was terminated from her job.
18

19 **UU. Plaintiff Sheri Ferguson**

20 614. Plaintiff Ferguson sincerely held a religious belief that conflicted with the ability to
21 comply with the Vaccine Requirement.
22

23 615. Plaintiff Ferguson is a Christian who based on her religion, believes as it is stated in
24 the Bible that each person is a child made in the image of God (Psalm 127:3; Romans
25 12 :1-2) , and she believes that the usage of aborted human fetuses cells in the
26

COVID-19 vaccine development is abhorrent and directly at odds with her religion. Plaintiff Ferguson cannot adhere to any policy that fuels and supports an unlawful persecution of her religious rights.

616. On September 9, 2021, Plaintiff Ferguson submitted a religious exemption request form that notified the Defendants about the sincerely-held religious belief and how it conflicted with the ability to comply with the Vaccine Requirement.

617. Defendants then considered Plaintiff Ferguson's request for a religious exemption, they determined a sincerely held a religious belief conflicted with the ability to comply with the Vaccine Requirement, they granted the exemption, and they notified the Plaintiff about the decision.

618. In the same notice, and without further input from the Plaintiff regarding accommodating the exemption, Defendants determined they could not accommodate Plaintiff's religious belief in the Plaintiff's current position because "the essential functions of your position require unavoidable and/or unpredictable interactions with others in the workplace and/or with members [of] (*sic*) the public."

619. The only possible accommodation Defendants would consider is the possibility of reassignment to a currently funded, equal or less paying, available job that had no job duty that would require unavoidable and/or unpredictable interactions with co-workers or the public, and that Plaintiff was qualified to perform.

620. Defendants warned, however, that reassignment positions were limited and there was no guarantee that any such job was available.

621. In fact, there were no reassignment positions available to the Plaintiff based on the reassignment limitations.

622. On October 18, 2021, the State terminated this employee's continued public employment without the employee's consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

VV. Plaintiff Sommer Beckner

623. Plaintiff Sommer Beckner sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

624. Plaintiff Sommer Beckner is a Christian who is religiously opposed to abortion derived vaccines, like the COVID-19 vaccine. Partaking in a vaccine made from aborted fetuses makes her complicit in an action that offends her religious faith.

625. On September 8, 2021, Plaintiff Sommer Beckner submitted a religious exemption request form that notified the Defendants about the sincerely-held religious belief and how it conflicted with the ability to comply with the Vaccine Requirement.

626. Defendants then considered Plaintiff Sommer Beckner's request for a religious exemption, they determined a sincerely held a religious belief conflicted with the ability to comply with the Vaccine Requirement, they granted the exemption, and they notified the Plaintiff about the decision.

627. In the same notice, and without further input from the Plaintiff regarding accommodating the exemption, Defendants determined they could not accommodate Plaintiff's religious belief in the Plaintiff's current position because "the essential

1 functions of your position require unavoidable and/or unpredictable interactions with
2 others in the workplace and/or with members [of] (*sic*) the public.”

3
4 628. The only possible accommodation Defendants would consider is the possibility of
5 reassignment to a currently funded, equal or less paying, available job that had no job
6 duty that would require unavoidable and/or unpredictable interactions with co-
7 workers or the public, and that Plaintiff was qualified to perform.

8
9 629. Defendants warned, however, that reassignment positions were limited and there was
10 no guarantee that any such job was available.

11
12 630. In fact, there were no reassignment positions available to the Plaintiff based on the
13 reassignment limitations.

14
15 631. On or about October 6, 2021, Plaintiff Sommer Beckner requested a *Loudermill*
16 hearing.

17
18 632. HR Deputy Director Monroe responded that Plaintiff Sommer Beckner would not
19 receive a *Loudermill* hearing since *Loudermill* hearing was for handling at-fault
20 terminations.

21
22 633. On October 18, 2021, the State terminated this employee’s continued public
23 employment without the employee’s consent for not complying with the Vaccine
24 Requirement and the religious exemption was not accommodated.
25
26

WW. Plaintiff Stacy Katyryniuk

634. Plaintiff Katyryniuk requested a *Loudermill* hearing by writing on or about October 13, 2021, prior to her termination to provide additional notice to WSDOT and discuss accommodation.

635. Despite this request, no *Loudermill* hearing was ever provided.

636. Plaintiff Katyryniuk was denied the opportunity to be heard regarding her separation from employment, in violation of her constitutional right to due process.

637. On October 18, 2021, the State terminated this employee's continued public employment without the employee's consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

XX. Plaintiff Stephen Austin

638. Plaintiff Austin sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

639. Plaintiff Austin Plaintiff Austin holds a sincerely held religious belief that he was made in the image of God, and that injecting foreign biological and technological substances, such as the COVID-19 vaccine, into his body defiles God's creation. He believes this form of pharmakeia is warned against in the Bible and is a means through which Satan misleads and corrupts humanity. Austin's belief is that the modern medical and pharmaceutical systems are Ahrimanic, materialist, and spiritually corrupt. He objects to vaccines produced by materialist science, viewing them as unnatural and not divinely ordained. Though vaccinated as a child, he has

1 refused vaccines and medical interventions since turning eighteen. His convictions
2 deepened after studying the Christian tradition and were solidified with the birth of
3 his son in 2019.

4
5 640. On or about August 26, 2021, Plaintiff Austin submitted a religious exemption
6 request form that notified the Defendants about the sincerely-held religious belief and
7 how it conflicted with the ability to comply with the Vaccine Requirement.

8
9 641. Subsequently, Defendants requested additional information from Plaintiff Austin
10 regarding the religious belief and how the religious belief conflicted with the ability
11 to comply with the Vaccine Requirement.

12
13 642. On or about August 26, 2021, Plaintiff Austin complied with Defendants' request
14 and provided the supplemental information about the sincerely held religious beliefs
15 and how the belief conflicted with the ability to comply with the Vaccine
16 Requirement.

17
18 643. Defendants then considered Plaintiff Austin's request for a religious exemption, they
19 determined a sincerely held a religious belief conflicted with the ability to comply
20 with the Vaccine Requirement, they granted the exemption, and they notified the
21 Plaintiff about the decision.

22
23 644. In the same notice, and without further input from the Plaintiff regarding
24 accommodating the exemption, Defendants determined they could not accommodate
25 Plaintiff's religious belief in the Plaintiff's current position because "the essential
26

1 functions of your position require unavoidable and/or unpredictable interactions with
2 others in the workplace and/or with members [of] (*sic*) the public.”

3
4 645. The only possible accommodation Defendants would consider is the possibility of
5 reassignment to a currently funded, equal or less paying, available job that had no job
6 duty that would require unavoidable and/or unpredictable interactions with co-
7 workers or the public, and that Plaintiff was qualified to perform.

8
9 646. Defendants warned, however, that reassignment positions were limited and there was
10 no guarantee that any such job was available.

11 647. In fact, there were no reassignment positions available to the Plaintiff based on the
12 reassignment limitations.

13
14 648. Plaintiff Austin also submitted a disability exemption request, which was granted on
15 or about September 28, 2021.

16 649. Defendants determined that Plaintiff Austin had a disability the prevented him from
17 being vaccinated against COVID-19 and in the same letter, Defendants determined
18 that no accommodation could be made.

19
20 650. On October 18, 2021, the State terminated this employee’s continued public
21 employment without the employee’s consent for not complying with the Vaccine
22 Requirement and the religious exemption was not accommodated.

23
24 **YY. Plaintiff Steven Turcott**

25 651. Plaintiff Turcott sincerely held a religious belief that conflicted with the ability to
26 comply with the Vaccine Requirement.

1 652. Plaintiff Turcott is a Christian whose faith in Jesus Christ requires him to be a good
2 steward of his body, which he understands to be a temple of the Holy Spirit. Guided
3 by scriptural teachings, including 1 Corinthians 6:19–20 and Matthew 25:14-30, Mr.
4 Turcott believes he is accountable to God for what he puts into his body and for
5 decisions that affect his health. His faith does not universally prohibit all vaccines or
6 medications but requires case-by-case discernment using God-given wisdom,
7 experience, and scriptural principles. In this case, he could not in good conscience
8 receive a COVID-19 vaccine due to unresolved concerns about the potential use of
9 aborted fetal tissue in its development, which would violate his sincerely held
10 religious beliefs.
11

12
13 653. On August 25, 2021, Plaintiff Turcott submitted a religious exemption request form
14 that notified the Defendants about the sincerely-held religious belief and how it
15 conflicted with the ability to comply with the Vaccine Requirement.
16

17 654. Subsequently, Defendants requested additional information from Plaintiff Turcott
18 regarding the religious belief and how the religious belief conflicted with the ability
19 to comply with the Vaccine Requirement.
20

21 655. On August 27, 2021, Plaintiff Turcott complied with Defendants' request and
22 provided the supplemental information about the sincerely held religious beliefs and
23 how the belief conflicted with the ability to comply with the Vaccine Requirement.
24

25 656. Defendants then considered Plaintiff Turcott's request for a religious exemption, they
26 determined a sincerely held a religious belief conflicted with the ability to comply

1 with the Vaccine Requirement, they granted the exemption, and they notified the
2 Plaintiff about the decision.

3
4 657. In the same notice, and without further input from the Plaintiff regarding
5 accommodating the exemption, Defendants determined they could not accommodate
6 Plaintiff's religious belief in the Plaintiff's current position because "the essential
7 functions of your position require unavoidable and/or unpredictable interactions with
8 others in the workplace and/or with members [of] (*sic*) the public."

9
10 658. The only possible accommodation Defendants would consider is the possibility of
11 reassignment to a currently funded, equal or less paying, available job that had no job
12 duty that would require unavoidable and/or unpredictable interactions with co-
13 workers or the public, and that Plaintiff was qualified to perform.

14
15 659. Defendants warned, however, that reassignment positions were limited and there was
16 no guarantee that any such job was available.

17
18 660. In fact, there were no reassignment positions available to the Plaintiff based on the
19 reassignment limitations.

20
21 661. On October 18, 2021, the State terminated this employee's continued public
22 employment without the employee's consent for not complying with the Vaccine
23 Requirement and the religious exemption was not accommodated.

24 **ZZ. Plaintiff Steven Walker**

25
26 662. Plaintiff Walker sincerely held a religious belief that conflicted with the ability to
comply with the Vaccine Requirement.

1 663. Plaintiff Walker's faith is rooted in a lifelong belief in Jesus Christ, which he
2 understands to have been predestined by God before his birth, as reflected in
3 Ephesians 1:4–5 and Psalm 22:9–10. He believes that God established his belief
4 system before he was even conceived, and that he is accountable to God alone for
5 how he lives, including decisions affecting his health and body. Mr. Walker's
6 convictions are shaped by his understanding of Galatians 5:18–21, which warns
7 against the works of the flesh, including "witchcraft," translated from the Greek word
8 pharmakeia, historically associated with the use or administration of drugs. Based on
9 this interpretation and related scriptural guidance, he believes that to follow the Holy
10 Spirit, he must abstain from participating in pharmaceutical-based gene therapies
11 such as the COVID-19 vaccines. Mr. Walker also cites Romans 14:5–9 to support
12 the principle that each person is individually accountable to God and must be fully
13 persuaded in their own mind about matters not explicitly addressed in Scripture.
14

15
16 664. On August 23, 2021, Plaintiff Walker submitted a religious exemption request form
17 that notified the Defendants about the sincerely-held religious belief and how it
18 conflicted with the ability to comply with the Vaccine Requirement.
19

20 665. Subsequently, Defendants requested additional information from Plaintiff Walker
21 regarding the religious belief and how the religious belief conflicted with the ability
22 to comply with the Vaccine Requirement.
23

24 666. On September 1, 2021, Plaintiff Walker complied with Defendants' request and
25 provided the supplemental information about the sincerely held religious beliefs and
26 how the belief conflicted with the ability to comply with the Vaccine Requirement.

1 667. Defendants then considered Plaintiff Walker's request for a religious exemption, they
2 determined a sincerely held a religious belief conflicted with the ability to comply
3 with the Vaccine Requirement, they granted the exemption, and they notified the
4 Plaintiff about the decision.
5

6 668. In the same notice, and without further input from the Plaintiff regarding
7 accommodating the exemption, Defendants determined they could not accommodate
8 Plaintiff's religious belief in the Plaintiff's current position because "the essential
9 functions of your position require unavoidable and/or unpredictable interactions with
10 others in the workplace and/or with members [of] (*sic*) the public."
11

12 669. The only possible accommodation Defendants would consider is the possibility of
13 reassignment to a currently funded, equal or less paying, available job that had no job
14 duty that would require unavoidable and/or unpredictable interactions with co-
15 workers or the public, and that Plaintiff was qualified to perform.
16

17 670. Defendants warned, however, that reassignment positions were limited and there was
18 no guarantee that any such job was available.

19 671. In fact, there were no reassignment positions available to the Plaintiff based on the
20 reassignment limitations.
21

22 672. Plaintiff Walker submitted a Reassignment Request From on or about October 15,
23 2021.
24
25
26

1 673. On October 18, 2021, the State terminated this employee's continued public
2 employment without the employee's consent for not complying with the Vaccine
3 Requirement and the religious exemption was not accommodated.
4

5 **AAA. Plaintiff Terry Dunn**

6 674. Plaintiff Dunn sincerely held a religious belief that conflicted with the ability to
7 comply with the Vaccine Requirement.
8

9 675. Plaintiff Dunn is a Christian who has lived with faith-based values for most of his
10 life, but in the past several years made a serious, transformative decision to follow
11 Jesus Christ with complete trust and obedience. Plaintiff Dunn no longer "practices
12 religion" but instead seeks to live a life led entirely by faith. This recommitment was
13 shaped by personal loss and spiritual growth and now governs all aspects of his
14 conduct, including his health decisions. Mr. Dunn's religious beliefs compel him to
15 avoid any medical intervention he believes would violate God's commandments or
16 compromise his spiritual integrity. Specifically, he cannot permit any vaccine into
17 his body that was developed, tested, or produced using cells derived from aborted
18 fetal tissue. He views this connection to abortion as incompatible with his faith and
19 considers any participation in such a system as morally equivalent to complicity in
20 murder. His objection is not speculative or political, it is rooted in his understanding
21 of scripture, including Hebrews 11:6, which states that "without faith it is impossible
22 to please God," and John 8:24, which emphasizes the eternal consequences of
23 disbelief. Mr. Dunn believes that taking the COVID-19 vaccine would represent a
24
25
26

1 failure to fully trust in God's protection and would force him to break a promise he
2 made to his dying father to never turn his back on his faith.

3
4 676. On or about August 26, 2021, Plaintiff Dunn submitted a religious exemption request
5 form that notified the Defendants about the sincerely-held religious belief and how it
6 conflicted with the ability to comply with the Vaccine Requirement.

7
8 677. Subsequently, Defendants requested additional information from Plaintiff Dunn
9 regarding the religious belief and how the religious belief conflicted with the ability
10 to comply with the Vaccine Requirement.

11
12 678. On or about August 26, 2021, Plaintiff Dunn complied with Defendants' request and
13 provided the supplemental information about the sincerely held religious beliefs and
14 how the belief conflicted with the ability to comply with the Vaccine Requirement.

15
16 679. Defendants then considered Plaintiff Dunn's request for a religious exemption, they
17 determined a sincerely held a religious belief conflicted with the ability to comply
18 with the Vaccine Requirement, they granted the exemption, and they notified the
19 Plaintiff about the decision.

20
21 680. In the same notice, and without further input from the Plaintiff regarding
22 accommodating the exemption, Defendants determined they could not accommodate
23 Plaintiff's religious belief in the Plaintiff's current position because "the essential
24 functions of your position require unavoidable and/or unpredictable interactions with
25 others in the workplace and/or with members [of] (*sic*) the public."
26

1 681. The only possible accommodation Defendants would consider is the possibility of
2 reassignment to a currently funded, equal or less paying, available job that had no job
3 duty that would require unavoidable and/or unpredictable interactions with co-
4 workers or the public, and that Plaintiff was qualified to perform.

5
6 682. Defendants warned, however, that reassignment positions were limited and there was
7 no guarantee that any such job was available.

8
9 683. In fact, there were no reassignment positions available to the Plaintiff based on the
10 reassignment limitations.

11 684. On October 18, 2021, the State terminated this employee's continued public
12 employment without the employee's consent for not complying with the Vaccine
13 Requirement and the religious exemption was not accommodated.
14

15 **BBB. Plaintiff Todd Humphreys**

16 685. Plaintiff Humphreys sincerely held a religious belief that conflicted with the ability
17 to comply with the Vaccine Requirement.

18
19 686. Plaintiff Humphreys is a Christian who sincerely objected to getting the COVID-19
20 vaccine on religious grounds. Although he did not submit a written religious
21 exemption request, he communicated his objection to the mandate to his supervisor
22 and others at WSDOT prior to his retirement. While he did not publicly disclose the
23 full basis for his objection in fear of losing his retirement benefits, he made it clear
24 that he did not agree with the mandate and wished his objection to be noted before
25 leaving his position.
26

1 687. Under duress, Plaintiff Humphreys chose to retire rather than violate his beliefs, and
 2 his actions reflect the sincerity of his religious conviction.

3
 4 688. On October 18, 2021, the State terminated this employee's continued public
 5 employment without the employee's consent for not complying with the Vaccine
 6 Requirement and the religious exemption was not accommodated.

7
 8 **CCC. Plaintiff Tyler Ratkie**

9 689. Plaintiff Ratkie sincerely held a religious belief that conflicted with the ability to
 10 comply with the Vaccine Requirement.

11 690. Plaintiff Ratkie Plaintiff Ratkie holds a sincerely held religious belief rooted in their
 12 Christian faith that prohibits taking the COVID-19 vaccine. Plaintiff believes the
 13 vaccine is not a true necessity and that Plaintiff must rely on faith in God for
 14 protection and health, rather than on human-developed interventions like the
 15 COVID-19 vaccine. Plaintiff believes his body is a temple of the Holy Spirit and that
 16 he is called to honor God with it. Taking the vaccine would violate his conscience,
 17 which is guided by scripture, including 1 Corinthians 6:19-20. Plaintiff has prayed
 18 for guidance and believes firmly that abstaining from the vaccine is the right decision
 19 according to his faith.
 20

21
 22 691. On August 30, 2021, Plaintiff Ratkie submitted a religious exemption request form
 23 that notified the Defendants about the sincerely-held religious belief and how it
 24 conflicted with the ability to comply with the Vaccine Requirement.
 25
 26

1 692. Subsequently, Defendants requested additional information from Plaintiff Ratkie
2 regarding the religious belief and how the religious belief conflicted with the ability
3 to comply with the Vaccine Requirement.
4

5 693. On September 9, 2021, Plaintiff Ratkie complied with Defendants' request and
6 provided the supplemental information about the sincerely held religious beliefs and
7 how the belief conflicted with the ability to comply with the Vaccine Requirement.
8

9 694. Defendants then considered Plaintiff Ratkie's request for a religious exemption, they
10 determined a sincerely held a religious belief conflicted with the ability to comply
11 with the Vaccine Requirement, they granted the exemption, and they notified the
12 Plaintiff about the decision.
13

14 695. In the same notice, and without further input from the Plaintiff regarding
15 accommodating the exemption, Defendants determined they could not accommodate
16 Plaintiff's religious belief in the Plaintiff's current position because "the essential
17 functions of your position require unavoidable and/or unpredictable interactions with
18 others in the workplace and/or with members [of] (*sic*) the public."
19

20 696. The only possible accommodation Defendants would consider is the possibility of
21 reassignment to a currently funded, equal or less paying, available job that had no job
22 duty that would require unavoidable and/or unpredictable interactions with co-
23 workers or the public, and that Plaintiff was qualified to perform.
24

25 697. Defendants warned, however, that reassignment positions were limited and there was
26 no guarantee that any such job was available.

1 698. In fact, there were no reassignment positions available to the Plaintiff based on the
2 reassignment limitations.

3 699. On or about October 12, 2021, Plaintiff Ratkie requested a *Loudermill* hearing.

4 700. HR Manager Merlinda Sain responded that Plaintiff Ratkie would not receive a
5 *Loudermill* hearing since *Loudermill* hearing was for handling at-fault terminations.

6 701. On October 18, 2021, the State terminated this employee's continued public
7 employment without the employee's consent for not complying with the Vaccine
8 Requirement and the religious exemption was not accommodated.
9

10
11 **DDD. Plaintiff Wendy Punch**

12 702. Plaintiff Punch sincerely held a religious belief that conflicted with the ability to
13 comply with the Vaccine Requirement.

14 703. Plaintiff Punch is an independent Christian. Not only does the aborted fetal cells use
15 in the COVID-19 vaccines' development go against her religious beliefs, but she also
16 believes that God built her and her immune system, and the vaccines would alter what
17 God created. Based on her sincerely held religious beliefs, Ms. Punch is unable to
18 take the COVID-19 vaccines currently available.
19

20 704. Despite holding these religious beliefs, Plaintiff Punch did not formally submit a
21 religious exemption request because she reasonably believed, based on WSDOT's
22 pattern and practice of denying accommodation of nearly all such requests without
23 meaningful review, that doing so would be futile.
24
25
26

1 705. On information and belief, Plaintiff Punch was aware of multiple coworkers whose
 2 exemption requests were granted but unable to be accommodation and observed that
 3 the agency had predetermined outcomes without engaging in good faith or
 4 individualized evaluation.

5
 6 706. Plaintiff Punch's decision not to submit a formal exemption was the result of a
 7 chilling effect created by WSDOT's conduct, not a lack of religious conviction.

8
 9 707. On October 18, 2021, the State terminated this employee's continued public
 10 employment without the employee's consent for not complying with the Vaccine
 11 Requirement and the religious exemption was not accommodated.

12 **EEE. Plaintiff William DuBose**

13 708. Plaintiff DuBose sincerely held a religious belief that conflicted with the ability to
 14 comply with the Vaccine Requirement.

15
 16 709. Plaintiff DuBose is a Christian and based on religious beliefs, he is opposed the use
 17 of vaccines or medicine with ingredients derived from abortions. Based on this
 18 sincerely held religious belief, Mr. DuBose is unable to take the COVID-19 vaccines
 19 currently available.

20
 21 710. On August 29, 2021, Plaintiff DuBose submitted a religious exemption request form
 22 that notified the Defendants about the sincerely-held religious belief and how it
 23 conflicted with the ability to comply with the Vaccine Requirement.

24
 25 711. On or about September 24, 2021, HR Director Jeff Pelton sent correspondence where
 26 Defendants stated that WSDOT HR did not receive sufficient information to

determine whether Plaintiff's request was based on a sincerely held religious belief that prevented him from being vaccinated and therefore could not be approved.

712. There was no request for additional information, just a rejection of his request.

713. Defendants issued this denial without first requesting additional information or clarification from Plaintiff DuBose, despite doing so for other employees whose submissions were also brief or lacked detail.

714. Plaintiff DuBose received notice of separation from Defendants effective October 18, 2021.

715. Under duress, Plaintiff DuBose felt the only other option besides being terminated was early retirement.

716. Plaintiff DuBose was forced into retirement (five years early) on October 18, 2021.

FFF. Plaintiff Victoria Gardner

717. Plaintiff Victoria Gardner sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

718. Plaintiff Gardner is a Christian whose religious beliefs regarding the sanctity of human life conflict directly with any requirement to inject abortion-tainted vaccinations into my body. All available Covid vaccines utilize abortion-derived cell lines in either the confirmation and testing stage of development or in the production process.

1 719. On September 3, 2021, Plaintiff Gardner submitted a religious exemption request
2 form that notified the Defendants about the sincerely-held religious belief and how it
3 conflicted with the ability to comply with the Vaccine Requirement.
4

5 720. Defendants then considered Plaintiff Gardner's request for a religious exemption,
6 they determined a sincerely held a religious belief conflicted with the ability to
7 comply with the Vaccine Requirement, they granted the exemption, and they notified
8 the Plaintiff about the decision.
9

10 721. In the same notice, and without further input from the Plaintiff regarding
11 accommodating the exemption, Defendants determined they could not accommodate
12 Plaintiff's religious belief in the Plaintiff's current position because "the essential
13 functions of your position require unavoidable and/or unpredictable interactions with
14 others in the workplace and/or with members [of] (*sic*) the public."
15

16 722. The only possible accommodation Defendants would consider is the possibility of
17 reassignment to a currently funded, equal or less paying, available job that had no job
18 duty that would require unavoidable and/or unpredictable interactions with co-
19 workers or the public, and that Plaintiff was qualified to perform.
20

21 723. Defendants warned, however, that reassignment positions were limited and there was
22 no guarantee that any such job was available.
23

24 724. In fact, there were no reassignment positions available to the Plaintiff based on the
25 reassignment limitations.
26

1 725. On October 18, 2021, the State terminated this employee's continued public
2 employment without the employee's consent for not complying with the Vaccine
3 Requirement and the religious exemption was not accommodated.
4

5 **G.G.G. Plaintiff Brion Hogan**

6 726. Plaintiff Hogan sincerely held a religious belief that conflicted with the ability to
7 comply with the Vaccine Requirement.
8

9 727. Plaintiff Hogan is a Roman Catholic Christian whose religious beliefs regarding the
10 sanctity of life are opposed to the use of vaccines that use, at any stage, abortion-
11 derived cell lines.
12

13 728. On October 1, 2021, Plaintiff Hogan submitted a religious exemption request form
14 that notified the Defendants about the sincerely-held religious belief and how it
15 conflicted with the ability to comply with the Vaccine Requirement.
16

17 729. Defendants then considered Plaintiff Hogan's request for a religious exemption, they
18 determined a sincerely held a religious belief conflicted with the ability to comply
19 with the Vaccine Requirement, they granted the exemption, and they notified the
20 Plaintiff about the decision.
21

22 730. In the same notice, and without further input from the Plaintiff regarding
23 accommodating the exemption, Defendants determined they could not accommodate
24 Plaintiff's religious belief in the Plaintiff's current position because "the essential
25 functions of your position require unavoidable and/or unpredictable interactions with
26 others in the workplace and/or with members [of] (*sic*) the public."

1 731. The only possible accommodation Defendants would consider is the possibility of
2 reassignment to a currently funded, equal or less paying, available job that had no job
3 duty that would require unavoidable and/or unpredictable interactions with co-
4 workers or the public, and that Plaintiff was qualified to perform.

5
6 732. Defendants warned, however, that reassignment positions were limited and there was
7 no guarantee that any such job was available.

8
9 733. In fact, there were no reassignment positions available to the Plaintiff based on the
10 reassignment limitations.

11 734. On October 18, 2021, the State terminated this employee's continued public
12 employment without the employee's consent for not complying with the Vaccine
13 Requirement and the religious exemption was not accommodated.
14

15 **HHH. Plaintiff Brady Todhunter**

16 735. Plaintiff Todhunter sincerely held a religious belief that conflicted with the ability to
17 comply with the Vaccine Requirement.

18
19 736. Plaintiff Todhunter is a Christian whose sincerely held religious beliefs affirm that
20 his body belongs to God and must be kept holy in accordance with Scripture. As part
21 of his faith, he believes he is commanded to glorify God through faithful stewardship
22 of his health and body. His religion instructs that nothing should enter the body if
23 doing so would violate one's conscience. Receiving the COVID-19 vaccine would
24 conflict with these beliefs and constitute a direct violation of his religious
25 convictions.
26

1 737. On September 6, 2021, Plaintiff Todhunter submitted a religious exemption request
2 form that notified the Defendants about the sincerely-held religious belief and how it
3 conflicted with the ability to comply with the Vaccine Requirement.
4

5 738. Defendants then considered Plaintiff Todhunter's request for a religious exemption,
6 they determined a sincerely held a religious belief conflicted with the ability to
7 comply with the Vaccine Requirement, they granted the exemption, and they notified
8 the Plaintiff about the decision.
9

10 739. In the same notice, and without further input from the Plaintiff regarding
11 accommodating the exemption, Defendants determined they could not accommodate
12 Plaintiff's religious belief in the Plaintiff's current position because "the essential
13 functions of your position require unavoidable and/or unpredictable interactions with
14 others in the workplace and/or with members [of] (*sic*) the public."
15

16 740. The only possible accommodation Defendants would consider is the possibility of
17 reassignment to a currently funded, equal or less paying, available job that had no job
18 duty that would require unavoidable and/or unpredictable interactions with co-
19 workers or the public, and that Plaintiff was qualified to perform.
20

21 741. Defendants warned, however, that reassignment positions were limited and there was
22 no guarantee that any such job was available.
23

24 742. In fact, there were no reassignment positions available to the Plaintiff based on the
25 reassignment limitations.
26

1 743. On October 18, 2021, the State terminated this employee's continued public
2 employment without the employee's consent for not complying with the Vaccine
3 Requirement and the religious exemption was not accommodated.
4

5 **III. Plaintiff Craig Henriksen**

6 744. Plaintiff Henriksen sincerely held a religious belief that conflicted with the ability to
7 comply with the Vaccine Requirement.
8

9 745. Plaintiff Henriksen is a Christian whose religious beliefs regarding the sanctity of life
10 are opposed to the use of vaccines that use, at any stage, abortion-derived cell lines.

11 746. On September 17, 2021, Plaintiff Henriksen submitted a religious exemption request
12 form that notified the Defendants about the sincerely-held religious belief and how it
13 conflicted with the ability to comply with the Vaccine Requirement.
14

15 747. Defendants then considered Plaintiff Henriksen's request for a religious exemption,
16 they determined a sincerely held a religious belief conflicted with the ability to
17 comply with the Vaccine Requirement, they granted the exemption, and they notified
18 the Plaintiff about the decision.
19

20 748. In the same notice, and without further input from the Plaintiff regarding
21 accommodating the exemption, Defendants determined they could not accommodate
22 Plaintiff's religious belief in the Plaintiff's current position because "the essential
23 functions of your position require unavoidable and/or unpredictable interactions with
24 others in the workplace and/or with members [of] (*sic*) the public."
25
26

1 749. The only possible accommodation Defendants would consider is the possibility of
2 reassignment to a currently funded, equal or less paying, available job that had no job
3 duty that would require unavoidable and/or unpredictable interactions with co-
4 workers or the public, and that Plaintiff was qualified to perform.

5
6 750. Defendants warned, however, that reassignment positions were limited and there was
7 no guarantee that any such job was available.

8
9 751. In fact, there were no reassignment positions available to the Plaintiff based on the
10 reassignment limitations.

11 752. Plaintiff Henriksen received notice of separation from Defendants effective October
12 18, 2021.

13
14 753. On or about October 18, 2021, the WSDOT Leave Administrator approved Plaintiff
15 Henriksen's request for protected leave under FMLA/PFML due to a documented
16 medical condition.

17 754. Plaintiff Henriksen leave approval was granted on October 18, 2021, and his began
18 effective October 19, 2021.

19
20 755. As a result of this leave approval, Plaintiff Henriksen's separation notice was
21 rescinded.

22 756. On March 31, 2022, the State terminated this employee's continued public
23 employment without the employee's consent for not complying with the Vaccine
24 Requirement and the religious exemption was not accommodated.
25
26

JJJ. Plaintiff Gabriel Newman

757. Plaintiff Newman sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

758. Plaintiff Newman is a Christian who believes that the body is the temple of the Holy Spirit, and one must be very selective about what products are put into one's body. Based on these sincerely held religious beliefs, Mr. Newman is unable to take the COVID-19 vaccines currently available.

759. On September 9, 2021, Plaintiff Newman submitted a religious exemption request form that notified the Defendants about the sincerely-held religious belief and how it conflicted with the ability to comply with the Vaccine Requirement.

760. Defendants then considered Plaintiff Newman's request for a religious exemption, they determined a sincerely held a religious belief conflicted with the ability to comply with the Vaccine Requirement, they granted the exemption, and they notified the Plaintiff about the decision.

761. In the same notice, and without further input from the Plaintiff regarding accommodating the exemption, Defendants determined they could not accommodate Plaintiff's religious belief in the Plaintiff's current position because "the essential functions of your position require unavoidable and/or unpredictable interactions with others in the workplace and/or with members [of] (*sic*) the public."

762. The only possible accommodation Defendants would consider is the possibility of reassignment to a currently funded, equal or less paying, available job that had no job

duty that would require unavoidable and/or unpredictable interactions with co-workers or the public, and that Plaintiff was qualified to perform.

763. Defendants warned, however, that reassignment positions were limited and there was no guarantee that any such job was available.

764. Plaintiff Newman submitted a Reassignment Request From on or about September 23, 2021.

765. Initially, Defendants did offer Plaintiff Newman reassignment to a full-time Transportation IT Data Management Journey role on or about October 1, 2021.

766. However, on October 14, 2021, the reassignment letter was rescinded because “[u]nfortunately, the position you were offered has a higher salary range than your current classification level at the IT Customer Support- Journey level.”

767. Defendants were unable to identify any other vacancies to replace the one offered and initiated the separation process

768. On October 18, 2021, the State terminated this employee’s continued public employment without the employee’s consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

KKK. Plaintiff LaVorn Cheth

769. Plaintiff Cheth sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

1 770. Plaintiff Cheth is a Christian who holds a sincere religious belief that his physical
2 body is a holy temple of the Lord Christ and Savior, and the dwelling place of God.
3 As part of his faith, he believes he has a sacred responsibility to honor and protect his
4 body in accordance with Scripture and his conscience before God. Based on this
5 belief, Plaintiff Cheth cannot in good conscience accept any substance, including the
6 COVID-19 vaccine, that he views as violating this religious duty. For the past 15
7 years, he has practiced this belief, which also includes objections to other vaccines,
8 prescription medications, and pharmaceutical treatments. Instead, he relies on God-
9 given natural remedies rooted in the elements of the natural world. Plaintiff Cheth
10 has never received a vaccination in his life, in adherence to these religious
11 convictions.
12

13
14 771. On August 26, 2021, Plaintiff Cheth submitted a religious exemption request form
15 that notified the Defendants about the sincerely-held religious belief and how it
16 conflicted with the ability to comply with the Vaccine Requirement.
17

18 772. Defendants then considered Plaintiff Cheth's request for a religious exemption, they
19 determined a sincerely held a religious belief conflicted with the ability to comply
20 with the Vaccine Requirement, they granted the exemption, and they notified the
21 Plaintiff about the decision.
22

23 773. In the same notice, and without further input from the Plaintiff regarding
24 accommodating the exemption, Defendants determined they could not accommodate
25 Plaintiff's religious belief in the Plaintiff's current position because "the essential
26

functions of your position require unavoidable and/or unpredictable interactions with others in the workplace and/or with members [of] (*sic*) the public.”

774. The only possible accommodation Defendants would consider is the possibility of reassignment to a currently funded, equal or less paying, available job that had no job duty that would require unavoidable and/or unpredictable interactions with co-workers or the public, and that Plaintiff was qualified to perform.

775. Defendants warned, however, that reassignment positions were limited and there was no guarantee that any such job was available.

776. In fact, there were no reassignment positions available to the Plaintiff based on the reassignment limitations.

777. On October 18, 2021, the State terminated this employee’s continued public employment without the employee’s consent for not complying with the Vaccine Requirement and the religious exemption was not accommodated.

LLL. Plaintiff Miroslav Tsanev

778. Plaintiff Tsanev sincerely held a religious belief that conflicted with the ability to comply with the Vaccine Requirement.

779. Plaintiff Tsanev accepted Yeshua as his personal Savior in 1985 after having previously heard the Gospel. This started an entire series of events that pointed him in an entirely new, and better direction, in his life. He never regretted the decision and has embraced the teachings of Yeshua in all aspects of his life and works daily to become a better Christian disciple, reflecting Christ in all aspects of his life. He

1 believed the COVID-19 vaccine would harm his body and he believed his walk with
2 Christ and the Holy Spirit were prompting him to decline any association with it.

3
4 780. On September 3, 2021, Plaintiff Tsanev submitted a religious exemption request form
5 that notified the Defendants about the sincerely-held religious belief and how it
6 conflicted with the ability to comply with the Vaccine Requirement.

7
8 781. Defendants then considered Plaintiff Tsanev's request for a religious exemption, they
9 determined a sincerely held a religious belief conflicted with the ability to comply
10 with the Vaccine Requirement, they granted the exemption, and they notified the
11 Plaintiff about the decision.

12 782. In the same notice, and without further input from the Plaintiff regarding
13 accommodating the exemption, Defendants determined they could not accommodate
14 Plaintiff's religious belief in the Plaintiff's current position because "the essential
15 functions of your position require unavoidable and/or unpredictable interactions with
16 others in the workplace and/or with members [of] (*sic*) the public."

17
18 783. The only possible accommodation Defendants would consider is the possibility of
19 reassignment to a currently funded, equal or less paying, available job that had no job
20 duty that would require unavoidable and/or unpredictable interactions with co-
21 workers or the public, and that Plaintiff was qualified to perform.

22
23 784. Defendants warned, however, that reassignment positions were limited and there was
24 no guarantee that any such job was available.
25
26

1 785. In fact, there were no reassignment positions available to the Plaintiff based on the
2 reassignment limitations.

3 786. Plaintiff Tsanev submitted a Reassignment Request From on or about September 29,
4 2021.

5 787. On or about October 11, 2021, Plaintiff Tsanev was told that he was not matched to
6 a reassignment position.

7 788. Plaintiff Tsanev also applied for a medical/disability exemption on or about October
8 15, 2021.

9 789. Plaintiff Tsanev's medical/disability exemption was approved, but accommodation
10 was denied.

11 790. Prior to the mandate, from June 2021 to October 18, 2021, Plaintiff Tsanev was
12 working remotely.

13 791. On October 18, 2021, the State terminated this employee's continued public
14 employment without the employee's consent for not complying with the Vaccine
15 Requirement and the religious exemption was not accommodated.

16 **MMM. Plaintiff Shaun Bukovnik**

17 792. Plaintiff Bukovniksincerely held a religious belief that conflicted with the ability to
18 comply with the Vaccine Requirement.

19 793. Plaintiff Bukovnik is a Bible-believing Christian who has held this faith since a small
20 child. He has spent his entire life fully engaged in church attendance, including
21
22
23
24
25
26

1 serving as part of the Praise and Worship Team, as both singer and guitarist, as well
 2 as active in other church leadership. He objects strongly to the injection of fetal stem
 3 cells into his body. He also believes this injection is tantamount to cannibalism; since
 4 he was created in the image of God, this act would alter his God-given genetic coding.
 5

6 794. On October 15, 2021, Plaintiff Bukovnik submitted a religious exemption request
 7 form that notified the Defendants about the sincerely-held religious belief and how it
 8 conflicted with the ability to comply with the Vaccine Requirement.
 9

10 795. Defendants acknowledged receipt of Plaintiff Bukovnik's request for a religious
 11 exemption through automatic email, but they neither accepted nor denied Plaintiff
 12 Bukovnik's request for a religious exemption. He received no answer and was
 13 terminated on or about October 18, 2021.
 14

15 796. In fact, there were no reassignment positions available to the Plaintiff based on the
 16 reassignment limitations.
 17

18 797. On October 18, 2021, the State terminated this employee's continued public
 19 employment without the employee's consent for not complying with the Vaccine
 20 Requirement and the religious exemption was not accommodated.
 21

NNN. Plaintiff Robert Covington

22 798. Plaintiff Covington sincerely held a religious belief that conflicted with the ability to
 23 comply with the Vaccine Requirement.
 24

25 799. Plaintiff Covington came to his Catholic faith approximately 15 years ago. He
 26 believes that a developing fetus in the womb was created by God and is a life that

1 deserves to be protected. He also understood cell lines for the vaccine were derived
2 from abortions and that utilization of those vaccines violates the Catholic teaching to
3 respect the dead (Catechism of the Catholic Church (2300)). His faith is deeply held
4 and demands that he honor the obligation to protect the unborn, a beautiful and sacred
5 formation of a person by God in the womb.
6

7 800. On January 12, 2022, Plaintiff Covington submitted a religious exemption request
8 form that notified the Defendants about the sincerely-held religious belief and how it
9 conflicted with the ability to comply with the Vaccine Requirement.
10

11 801. Subsequently, Defendants requested additional information from Plaintiff Covington
12 regarding the religious belief and how the religious belief conflicted with the ability
13 to comply with the Vaccine Requirement.
14

15 802. On January 18, 2022, Plaintiff Covington complied with Defendants' request and
16 provided the supplemental information about the sincerely held religious beliefs and
17 how the belief conflicted with the ability to comply with the Vaccine Requirement.
18

19 803. Defendants then considered Plaintiff Covington's request for a religious exemption,
20 they determined a sincerely held a religious belief conflicted with the ability to
21 comply with the Vaccine Requirement, they granted the exemption, and they notified
22 the Plaintiff about the decision.
23

24 804. Two days later from the date of the notice, and without further input from the Plaintiff
25 regarding accommodating the exemption, Defendants determined they could not
26 accommodate Plaintiff's religious belief in the Plaintiff's current position because

1 “the essential functions of your position require unavoidable and/or unpredictable
2 interactions with others in the workplace and/or with members [of] (*sic*) the public.”

3
4 805. The only possible accommodation Defendants would consider is the possibility of
5 reassignment to a currently funded, equal or less paying, available job that had no job
6 duty that would require unavoidable and/or unpredictable interactions with co-
7 workers or the public, and that Plaintiff was qualified to perform.

8
9 806. Defendants warned, however, that reassignment positions were limited and there was
10 no guarantee that any such job was available.

11 807. In fact, there were no reassignment positions available to the Plaintiff based on the
12 reassignment limitations.

13
14 808. On January 27, 2021, the State terminated this employee’s continued public
15 employment without the employee’s consent for not complying with the Vaccine
16 Requirement and the religious exemption was not accommodated.

17 809. Defendant Scarton was, at all material times hereto, the ultimate decision maker who
18 implemented the policies and procedures that applied the Governor’s Proclamation
19 20-14; 20-14.01; and 20-14.0201.

20
21 810. Defendant Scarton was the person who, while acting on WSDOT’s behalf, set in
22 motion an unbroken chain of events that caused each Plaintiff’s continued public
23 employment to be terminated.

24
25 811. Defendant Scarton, at all material times was, and currently is, a King County resident.
26

1 812. Law Against Discrimination embodied in Ch. 49.60 RCW (WLAD) and to comply
2 On September 27, 2021, the Governor amended and superseded Proclamation 20-
3 14.1 by issuing Proclamation 21-14.2 that was effective when it was issued.
4

5 813. Subsequently to Proclamation 21-1.1 being issued, the State Office of Financial
6 Management (OFM) issued guidance to each State agency providing that each agency
7 should promulgate that agency's official policy implementing and applying the Get
8 Vaccinated and Accommodated or be Terminated Mandate within the agency, and
9 specifically its official policy regarding exemption and accommodation decisions
10 regarding its employees.
11

12 814. Defendant Scarton was the individual who created and promulgated WSDOT's
13 official policy that implemented and applied the Get Vaccinated and Accommodated
14 or be Terminated Mandate within WSDOT, and specifically WSDOT's official
15 policy to make exemption and accommodation decisions regarding WSDOT's
16 employees.
17

18 815. Defendant Scarton, at all material times, was WSDOT's ultimate decision maker for
19 the way the Get Vaccinated, Accommodated or be Terminated Mandate was
20 implemented and applied to WSDOT employees, and specifically how exemption
21 and accommodation decisions were made by WSDOT for its employees.
22

23 816. Defendant Scarton's actions set in motion a series of unbroken events that caused
24 each Plaintiff to be denied an accommodation and their continued public employment
25 with WSDOT to be involuntarily terminated.
26

1 817. Each Plaintiff applied for a religious exemption from the Get Vaccinated,
2 Accommodated or be Terminated Mandate prior to October 18, 2021.

3
4 818. Each Plaintiff asserted in their respective request for exemption that they each
5 sincerely held a religious belief that interfered with their ability to become fully
6 vaccinated and comply with the Get Vaccinated, Accommodated or be Terminated
7 Mandate.

8
9 819. Defendants granted each Plaintiff a religious exemption to the Get Vaccinated,
10 Accommodated or be Terminated Mandate.

11 820. Each Plaintiff, in fact, sincerely held a religious belief that interfered with their ability
12 to become fully vaccinated and comply with the Get Vaccinated and Accommodated
13 or be Terminated Mandate.

14
15 821. Defendants considered each Plaintiff's religious exemption request.

16 822. Defendants granted each Plaintiff's religious exemption request.

17
18 823. Defendants' official policy regarding accommodation decisions provided a
19 mechanism by which WSDOT had unbridled discretion to make individualized
20 accommodation decisions for each exempt WSDOT employee without regard to
21 whether they were exempted for religious or secular reasons.

22
23 824. Defendants exercised the discretion they bestowed upon themselves when they
24 considered whether to accommodate each WSDOT employee to whom they granted
25 an exemption.
26

1 825. This discretion permitted Defendants to decide which unvaccinated WSDOT exempt
2 employees could continue their public employment and which WSDOT employees
3 would not continue their public employment.
4

5 826. Defendants exercised the discretionary mechanism to treat WSDOT's religiously
6 exempt employees differently and less favorably than WSDOT's secularly exempt
7 employees.
8

9 827. 572 WSDOT employees applied for a religious exemption the Get Vaccinated and
10 Accommodated or be Terminated Mandate.

11 828. Of those 572 WSDOT employees who applied for a religious exemption, 11
12 withdrew their request because they resigned or were coerced to abandon their
13 sincerely held religious beliefs and became fully vaccinated.
14

15 829. WSDOT granted 457 of the remaining 561 religious exemption requests.

16 830. WSDOT denied the remaining 104 religious exemption requests.
17

18 831. WSDOT only accommodated 52 of their religiously exempt employees.

19 832. WSDOT denied accommodation to the remaining 404 WSDOT religiously exempt
20 employees.
21

22 833. On the other hand, 162 WSDOT employees requested secular exemptions from the
23 Get Vaccinated and Accommodated or be Terminated Mandate.

24 834. Three secular exemption requests were withdrawn.

25 835. WSDOT granted all the remaining 159 secular exemption requests,
26

1 836. Of the 159 secularly exempt WSDOT employees, 27 withdrew their accommodation
2 requests.

3
4 837. WSDOT accommodated 122 of the remaining 132 secularly exempt employees.

5 838. WSDOT denied accommodation to WSDOT's remaining 10 exempt employees.

6 839. The unvaccinated secularly exempt WSDOT employees were similarly situated to
7 the unvaccinated religiously exempt WSDOT employees because they each were
8 unvaccinated, required to perform the same public-facing essential job functions,
9 and, thus, posed the same perceived risk of becoming infected and transmitting the
10 virus.
11

12 840. OFM's guidance provided each State agency should review any decision it makes to
13 accommodate an agency's exempt employee every 60 days.
14

15 841. WSDOT's official policy that implemented and applied the Get Vaccinated and
16 Accommodated or be Terminated Mandate treated religiously exempt WSDOT
17 employees differently and less favorably than secularly exempt WSDOT employees
18 in the accommodation process.
19

20 842. WSDOT did not promulgate its official policy that implemented and applied the Get
21 Vaccinated and Accommodated or be Terminated Mandate in accordance with the
22 rule-making provisions in Washington's Administrative Procedures Act, Ch. 34.05
23 RCW
24

25 843. WSDOT's official policy that implemented and applied the Get Vaccinated and
26 Accommodated or be Terminated Mandate was not generally applicable because it

1 provided a mechanism by which Defendants bestowed upon themselves unbridled
2 discretion to make individualized accommodation decisions.

3
4 844. OFM's guidelines stated each agency was to make accommodation decisions based
5 on the most current medical information.

6 845. WSDOT did not follow OFM's guidance because the most current medical
7 information at the time Defendants were making their accommodation decisions
8 showed the true threat WSDOT accepted by allowing its fully vaccinated employees
9 to continue their public employment would not appreciably increase if it allowed its
10 unvaccinated exempt employees to continue their public employment.

11
12 846. Additionally, the most current medical information at the time Defendants were
13 making their accommodation decisions showed that a previously infected WSDOT
14 employee had equal or more immunity from contracting COVID than WSDOT's
15 fully vaccinated employees, yet WSDOT's official policy unequivocally and
16 without exception forbade WSDOT from considering natural immunity when making
17 an accommodation decision.

18
19 847. The most current medical information at the time Defendants were making their
20 accommodation decisions showed the then available COVID-19 vaccines did not
21 reduce a fully vaccinated individual's risk of contracting COVID and transmitting it
22 to others.

23
24 848. Instead, the current medical information at the time Defendants were making their
25 accommodation decisions showed the COVID-19 vaccines then available were a
26

1 therapeutic medical treatment that may have reduced an infected individual from
2 experiencing serious health after becoming infected.

3
4 849. The mass terminations caused by WSDOT's official policy that implemented and
5 applied the Get Vaccinated and Accommodated or be Terminated Mandate resulted
6 in staffing shortages within WSDOT.

7
8 850. The staffing shortages imposed a burden on WSDOT and the public by reducing
9 WSDOT's capacity to provide ferry and other transportation services to the public.

10 851. To fulfill its responsibilities to the public, WSDOT hired contractors to fulfill its
11 needs Defendants created by the staffing shortages related to the mass layoffs that
12 occurred because WSDOT's employees could not or would not get vaccinated.

13
14 852. WSDOT did not require these contractors to abide by WSDOT's official policy that
15 implemented and applied the Get Vaccinated, Accommodated or be Terminated
16 Mandate.

17
18 853. Instead, WSDOT permitted the replacement contractors it hired to make their own
19 accommodation decisions.

20 854. In fact, some Plaintiffs began working for contractors who exempted them from
21 having to comply with the Get Vaccinated, Accommodated or be Terminated
22 Mandate and then accommodated their religious exemption, thereby allowing those
23 same unvaccinated Plaintiffs to resume providing the same essential job functions
24 they had provided to WSDOT when they were WSDOT employees.
25
26

1 855. WSDOT's official policy that implemented and applied the Get Vaccinated,
2 Accommodated or be Terminated Mandate required Plaintiffs and other WSDOT
3 employees who sincerely held religious beliefs that interfered with their ability to
4 become fully vaccinated and comply with the Get Vaccinated, Accommodated or be
5 Terminated Mandate asked required all WSDOT employees who requested a
6 religious exemption to disclose their personal health care information regarding their
7 past health care history. This requirement was not carefully tailored to serve any
8 legitimate State interest.
9

10 856. WSDOT's official policy that implemented and applied the Get Vaccinated,
11 Accommodated or be Terminated Mandate chilled all WSDOT employees who
12 sincerely held religious beliefs that interfered with them becoming fully vaccinated
13 from pursuing a religious exemption or a religious accommodation.
14

15 857. Instead, these WSDOT's employees that qualified for an exemption or
16 accommodation either resigned or became fully vaccinated, thereby abandoning their
17 sincerely held religious beliefs as well as their personal autonomy over their body
18 and health care decisions.
19

20 858. Despite the chilling effect of the Get Vaccinated, Accommodated or be Terminated
21 Mandate and WSDOT's official policy that implemented and applied it, Plaintiffs are
22 amongst the few WSDOT employees who asserted their rights to freely exercise their
23 sincerely held religious beliefs as well as their rights to be treated on par with
24 secularly exempt employees and be free from unwanted intrusions into their private
25 affairs.
26

1 859. Based on their course of dealing with WSDOT and their statutory and other rights,
2 each Plaintiff had a reasonable belief in continued public employment unless they
3 were terminated for cause because each of them could not freely exercise their
4 sincerely held religious beliefs and become fully vaccinated or start the process by
5 October 18, 2021.
6

7 860. OFM's guidance contained a specific provision that allowed all State agency
8 employees to use accrued sick time and paid leave to become fully vaccinated
9 provided they began the process on or prior to October 18, 2021.
10

11 861. Defendants granted each Plaintiff a religious exemption at the same time they made
12 their decision not to accommodate them.

13 862. Defendants did not permit any interactive dialogue with any exempt Plaintiff after it
14 granted them a religious exemption and then proceeded to make an accommodation
15 decision for each exempt employee.
16

17 863. Each Plaintiff requested reasonable accommodations such as weekly testing and
18 continuing the current protective and safety measures that had worked successfully
19 for each Plaintiff for the past 18 months, but Defendants would not consider any
20 alternative accommodation after they granted each Plaintiff a religious
21 accommodation.
22

23 864. Each Plaintiff requested less restrictive alternatives than terminating their continued
24 public employment like administrative leave without pay until the pandemic
25 subsided, a different vaccine became available that did not conflict with their
26

1 sincerely held religious beliefs, or an equally effective alternative to stem COVID's
2 spread became available, but Defendants refused to consider any less restrictive
3 alternative.

4
5 865. Defendants did not seek to impose the least restrictive alternative that could equally
6 serve the State's interest in stemming COVID's spread,

7
8 866. Defendants did not allow any Plaintiff a meaningful opportunity to contest
9 Defendants' decision to not accommodate them and then eventually terminated each
10 Plaintiff's continued public employment.

11 867. Specifically, Defendants did not permit any Plaintiff an opportunity to present
12 rebuttal affidavits or declarations contesting the bases upon which Defendants made
13 their accommodation decision.

14
15 868. Defendants did not undertake any benefit/burden analysis as to each Plaintiff when
16 making their respective accommodation decision; rather, Defendants terminated each
17 Plaintiff in mass using the same boilerplate letters that they sent to each Plaintiff.

18
19 869. Defendants' accommodation decisions were made contrary to the expressed
20 provisions in Proclamation 21-14.2.

21 870. Each Plaintiff properly submitted a Notice of Tort Claim and allowed sixty days to
22 expire prior to each Plaintiff commencing this action.

23
24 871. Each Plaintiff awaited an opportunity to engage in a meaningful interactive dialogue
25 and a pre-deprivation hearing before making a final decision to not become fully
26

1 vaccinated up until Defendants no longer permitted each Plaintiff to come to work
 2 and perform their essential job functions, which was on or after October 18, 2021.

3
 4 872. Defendants did not offer any Plaintiff a meaningful post-deprivation hearing
 5 regarding WSDOT's accommodation decision and involuntarily terminated each
 6 Plaintiff's continued public employment.

7
 8 873. Defendants did not notify or offer any Plaintiff a robust full evidentiary hearing
 9 regarding their accommodation decision or their decision to involuntarily terminate
 10 each Plaintiff's continued public employment.

11 **III. FIRST CAUSE OF ACTION — BREACH OF THE AFFIRMATIVE**
 12 **OBLIGATION TO ACCOMMODATE RELIGION**

13 874. Plaintiffs reallege the foregoing allegations of this Complaint.

14 875. Defendants violated WLAD by failing to accommodate their sincerely held religious
 15 beliefs.

16
 17 876. After Defendants reviewed each Plaintiff's religious exemption request, they agreed
 18 each Plaintiff sincerely held a religious belief that interfered with their ability to
 19 become fully vaccinated and comply with the Get Vaccinated, Accommodated or be
 20 Terminated Mandate.

21
 22 877. Each Plaintiff, therefore, qualified for, and was granted, a religious exemption from
 23 having to become fully vaccinated and were excused from having to become fully
 24 vaccinated and complying with the Get Vaccinated, Accommodated or be
 25 Terminated Mandate.
 26

1 878. Based on Defendants' agreement that each Plaintiff qualified for a religious
2 exemption from the Get Vaccinated, Accommodated or be Terminated Mandate, they
3 had an affirmative obligation to accommodate them.
4

5 879. Each Plaintiff notified Defendants about their sincerely held religious beliefs and
6 personal autonomy rights.

7 880. Concurrent with Defendants granting each Plaintiff a religious exemption from
8 having to comply with the Get Vaccinated, Accommodated or be Terminated
9 Mandate, Defendants, without any interactive dialogue involving any Plaintiff,
10 summarily denied each Plaintiff a religious accommodation and notified them about
11 their decision in the same letter wherein they notified them that their religious
12 exemption request was granted.
13

14 881. After Defendants made their unilateral accommodation decision as to each Plaintiff,
15 WSDOT's official policy that implemented and applied the Get Vaccinated,
16 Accommodated or be Terminated Mandate invited each Plaintiff to have an informal
17 discussion with Defendants whereby each Plaintiff could discuss Defendants'
18 accommodation decision.
19

20 882. Plaintiffs represent the group of religiously exempt WSDOT employees who
21 adamantly asserted their free exercise and bodily autonomy rights; and they tried, in
22 vain, to persuade Defendants that Defendants were legally required to provide them
23 a religious accommodation.
24
25
26

1 883. Multiple Plaintiffs attempted to, and some did, informally discuss with Defendants,
2 or a WSDOT representative they appointed, the decision to not accommodate them
3 and firmly asserted their free exercise and personal autonomy rights.
4

5 884. These informal discussions were a sham. Defendants themselves or their designated
6 representatives refused to discuss the basis for their accommodation decision.

7 885. Defendants permitted no discussion whatsoever regarding the current medical
8 information regarding COVID-19, including but not limited to: therapeutic
9 interventions that reduced the severity of health consequences if a person was
10 infected; breakthrough infections amongst the fully vaccinated; comparative threat
11 of transmission between the unvaccinated and the fully vaccinated; the current threat
12 of transmission that WSDOT accepted by allowing fully vaccinated WSDOT
13 employees to continue their public employment; the incremental increase in
14 transmission threat, if any, if the few unvaccinated religiously exempt WSDOT
15 workers were allowed to continue their public employment; natural immunity's
16 efficacy at preventing reinfection and transmission, the then existing COVID-19
17 vaccines' efficacy at preventing infection and transmission, or the current
18 transmission data that showed on a more likely than not basis, and to a medical
19 certainty, that each infected person infected multiple people despite widespread
20 COVID-19 vaccinations having been administered since they were granted
21 emergency use authorization by the US Food and Drug Administration in 2020.
22
23
24

25 886. This latter data proved to be true. By 2023, 80%-90% of the U.S. population had
26 become infected with COVID.

1 887. This infection percentage occurred despite over 90% of WSDOT's workforce
2 becoming fully vaccinated.

3 888. Some Plaintiffs attempted to propose accommodations for the religiously exempt
4 WSDOT employees such as requiring weekly testing plus continuing to comply with
5 the safety and precaution measures that they had successfully complied with during
6 the prior 18 months, which included isolation upon infection discovery, masking, and
7 social distancing, .

8 889. WSDOT did not trace any COVID transmission to any Plaintiff since the pandemic
9 began.

10 890. Defendants refused to consider any accommodation proposed by any Plaintiff.

11 891. Some Plaintiffs proposed less restrictive alternatives than terminating each Plaintiff's
12 continued public employment such as administrative leave without pay, periodic
13 review of the need for exclusion from WSDOT's active workforce, and reinstatement
14 if there was a substantial change in circumstances.

15 892. Administrative leave without pay, periodic review, and reinstatement if there was a
16 substantial change in circumstances was a less restrictive alternative that would
17 equally serve the State's interests.

18 893. After the Governor issued Proclamation 21-14.2, he amended and superseded that
19 Proclamation on November 24, 2021, when he issued Proclamation 21-14.3, which
20 became effective upon issuance.

1 894. After the Governor issued Proclamation 21-14.3, he amended and superseded that
2 Proclamation on March 23, 2022, when he issued Proclamation 21-14.4, which
3 became effective upon issuance.
4

5 895. After the Governor issued Proclamation 21-14.4, he amended and superseded that
6 Proclamation on May 20, 2022, when he issued Proclamation 21-14.5, which became
7 effective upon issuance.
8

9 896. Finally, on October 28, 2022, the Governor issued Proclamation 21-14.6 that
10 amended and superseded Proclamation 21-14.6 that rescinded the Get Vaccinated,
11 Accommodated or be Terminated Mandate. Proclamation 21-14.6 became effective
12 as of 11:59 p.m. on October 31, 2022.
13

14 897. Had Defendants utilized the less restrictive alternative of placing each Plaintiff and
15 other religiously exempt WSDOT employees on administrative leave without pay,
16 periodically reviewed the need for them being excluded from WSDOT's active
17 workforce, and reinstated each Plaintiff after Proclamation 21-14.6 became effective,
18 then each Plaintiff would have been restored to their pension benefits and their
19 position, this action for reinstatement would not have been necessary, and each
20 Plaintiff's claim(s) against WSDOT would be more limited than they are presently.
21 If reinstated, then ostensibly their claims would be what monetary damages
22 (backpay), if any, to which they may be entitled.
23
24
25
26

1 898. Defendants were obligated to utilize the least restrictive alternative to terminating
 2 each Plaintiff's continued public employment that would equally serve the State's
 3 interest when they denied each Plaintiff a religious accommodation.
 4

5 899. Despite their obligation to utilize the least restrictive alternative, Defendants freely
 6 and voluntarily chose to implement and apply the most restrictive alternative which
 7 was to not provide any Plaintiff with a religious accommodation and terminate their
 8 continued public employment if they did not start the process of becoming fully
 9 vaccinated by October 18, 2021.
 10

11 900. The proposed reasonable accommodations and less restrictive alternatives Plaintiffs
 12 proposed would have imposed no significant burden on WSDOT had they been
 13 utilized.
 14

15 901. Defendants violated WLAD by failing to reasonably accommodate each Plaintiff's
 16 religious exemption.
 17

18 **IV. SECOND CAUSE OF ACTION – WLAD DISPARATE IMPACT**

19 902. Plaintiffs reallege the prior allegations of this Complaint.
 20

21 903. WSDOT's official policy that implemented the Get Vaccinated, Accommodated, or
 22 be Terminated Mandate caused the Mandate to fall more harshly on WSDOT's
 23 religiously exempt unvaccinated employees than it did on WSDOT's unvaccinated
 24 secularly exempt employees.
 25

26 904. WSDOT's religiously exempt unvaccinated employees' continued public
 employments were terminated in far larger and statistically significant numbers and

percentages than its unvaccinated secularly exempt employees such that the impact more likely than not did occur by mere chance.

905. This disparate impact evidence Defendants' discriminatory motive when they implemented and applied the Get Vaccinated, Accommodated, or be Terminated Mandate to all WSDOT's unvaccinated exempt employees

906. Defendants, therefore, violated RCW 49.60.180 by engaging in discriminatory employment practices.

V. THIRD CAUSE OF ACTION – WLAD DISPARATE TREATMENT

907. Plaintiffs reallege the prior allegations in this Complaint.

908. Plaintiffs were unvaccinated WSDOT employees who were religiously exempt from having to become fully vaccinated.

909. Plaintiffs were similarly situated to WSDOT's unvaccinated employees who were secularly exempt from having to become fully vaccinated.

910. Both WSDOT's religiously exempt employees and its secularly exempt employees performed the same or similar essential public-facing job functions; and they were, therefore, similarly situated.

911. The only difference between Plaintiffs and WSDOT's unvaccinated secularly exempt employees was Plaintiffs' exemptions were granted so they could freely exercise their sincerely held religious beliefs while WSDOT's unvaccinated secularly exempt employees' exemptions were granted for secular reasons.

1 912. Given this distinction, Plaintiffs are members of a protected class – those who freely
2 exercise their sincerely religious beliefs free from State interference that is not
3 narrowly tailored to serve only the State’s compelling interests.

4
5 913. Moreover, Plaintiffs were asserting fundamental rights to free exercise and personal
6 autonomy that are protected by the Washington State Constitution from State
7 interference that is not narrowly tailored to serve only the State’s compelling
8 interests.

9
10 914. Plaintiffs were asserting fundamental rights to Free Exercise that are protected by the
11 Free Exercise Clause in the United States Constitution’s First Amendment that is
12 made applicable to the State by the Fourteenth Amendment to the United States
13 Constitution.

14
15 915. Plaintiffs were also asserting rights to bodily integrity and medical autonomy that
16 are protected by the substantive process clause of the Fourteenth Amendment to the
17 United States Constitution absent heightened scrutiny.

18
19 916. When making their accommodation decisions for WSDOT’s unvaccinated exempt
20 employees, Defendants treated Plaintiffs and all WSDOT’s unvaccinated religiously
21 exempt employees differently and less favorably than WSDOT’s unvaccinated
22 secularly exempt employees who were similarly situated.

23 917. There is no legitimate nondiscriminatory reason that justified Defendants’ disparate
24 treatment of Plaintiffs from their similarly situated unvaccinated counterparts who
25 were secularly exempt from having to become fully vaccinated.
26

1 918. Defendants violated WLAD's prohibition on religious discrimination in employment
2 practices.

3
4 **VI. FOURTH CAUSE OF ACTION – WLAD RETALIATION**

5 919. Plaintiffs reallege the prior allegations in this Complaint.

6 920. Plaintiffs were engaging in protected activity by asserting their rights to be free from
7 State interference on their Free Exercise and personal autonomy rights that are not
8 narrowly tailored to serve only the State's compelling interests.

9
10 921. When Plaintiffs engaged in their protected activities and protested to Defendants that
11 their conduct was wrongful, Defendants retaliated against Plaintiffs by wielding their
12 unbridled discretion they bestowed upon themselves and refused each Plaintiff any
13 religious accommodation, refused any less restrictive alternative, and terminated
14 their continued public employment effective on October 19, 2021.

15
16 922. A substantial motivating factor for Defendants' decisions was to retaliate against each
17 Plaintiff for engaging in the protected activity described in this Complaint.

18
19 923. Defendants have no legitimate nonretaliatory reason justifying their treating
20 Plaintiffs differently than similarly situated unvaccinated religiously exempt
21 employees who were accommodated and allowed to continue their public
22 employment unvaccinated.

23
24 924. Defendants have no legitimate nonretaliatory reason justifying their treating
25 Plaintiffs differently than other unvaccinated exempt employees who they
26 accommodated and were allowed to continue their public employment with WSDOT.

1 925. Defendants violated WLAD by retaliating against each Plaintiff for them engaging
2 in protective activity.

3
4 926. In addition to the retaliatory termination of Plaintiffs' employment on October 19,
5 2021, Defendants engaged in continuing retaliation by blacklisting certain Plaintiffs,
6 including Plaintiff Jeremy Greene, from future public employment opportunities with
7 WSDOT, despite those Plaintiffs meeting the necessary qualifications and actively
8 seeking reemployment.

9
10 927. As to Plaintiff Jeremy Greene, Defendants engaged in additional acts of retaliation
11 after his October 2021 termination when he attempted to resecure employment
12 through WSDOT in 2022.

13 928. Plaintiff Jeremy Greene, found to be qualified, was given a conditional offer of
14 employment in January 2022.

15
16 929. In February 2022, after Plaintiff Jeremy Greene submitted a religious exemption
17 request, which Defendants acknowledged was based on sincerely held religious
18 beliefs, Defendants rescinded Plaintiff's conditional offer of reemployment.

19
20 930. Thereafter, Plaintiff Jeremy Greene continued to engage in protected activity by
21 requesting clarification, invoking his rights to reemployment, and advocating for
22 religious accommodation.

23 931. Internal emails among WSDOT leadership in April, November, and December 2022
24 show that Defendants chose to permanently bar Plaintiff Jeremy Greene from
25
26

1 reemployment based on his history of raising objections, asserting religious rights,
2 and seeking accommodation.

3
4 932. Defendants were not obligated to conduct a formal investigation or provide due
5 process before deciding not to rehire Plaintiff Jeremy Greene following his separation
6 in October 2021.

7
8 933. However, their internal communications reveal that the true basis for denying
9 reemployment was based on subjective assessments of his “tone,” persistence, and
10 communications, which are protected conduct.

11 934. Furthermore, after Plaintiff Jeremey Greene was contacted by WSDOT HR on or
12 about February 2023 for a reference check on a pending application, WSDOT senior
13 leadership used past communications, many of which were protected expressions
14 regarding rights to accommodation and reemployment, to justify labeling him
15 ineligible for rehire.

16
17 935. This decision was based on subjective assessments and was untethered from any
18 formal disciplinary process, demonstrating a continued pattern of retaliation for
19 engaging in protected activity.

20
21 936. Defendants’ refusal to rehire Plaintiff Greene was not based on any legitimate or
22 neutral employment standard, but rather on their animus toward his constitutionally
23 and statutorily protected activity.

24 937. Upon information and belief, other Plaintiffs have been similarly, whether officially
25 or unofficially, effectively blacklisted by WSDOT.
26

1 938. These actions constitute further acts of retaliation under WLAD and violate Plaintiffs
 2 rights under state and federal law.

3
 4 **VII. FIFTH CAUSE OF ACTION – TERMINATION THAT WRONGFULLY**
 5 **VIOLATES PUBLIC POLICY**

6 939. Plaintiffs reallege the prior allegations of this Complaint.

7 940. Defendants wrongfully terminated each Plaintiff's continued public employment in
 8 violation of this State's public policy.

9 941. Washington law recognizes a private right of action for tort damages when employers
 10 terminate their employee's employment for reasons that are against Washington's
 11 stated public policy.

12
 13 942. Washington's stated public policy is determined by Washington's State Constitution,
 14 its statutes, and its Supreme Court's binding judicial decisions.

15
 16 943. Moreover, the Washington Constitution, Article I, §1, expressly acknowledges the
 17 United States Constitution is the supreme law of the land. Accordingly, binding
 18 decisions from the United States Supreme Court interpreting and construing the
 19 United States Constitution are also Washington's public policy.

20
 21 944. The Washington State Constitution, Article I, §11, protects each Plaintiff from State
 22 interference with their right to freely exercise their sincerely held religious beliefs
 23 that is not narrowly tailored to serve only the State's compelling interests.

24 945. The Washington State Constitution's free exercise clause provides equal or greater
 25 protection to each Plaintiff than the Free Exercise Clause in the United States
 26

1 Constitution's First Amendment, which is made applicable to Washington State by
2 the Fourteenth Amendment to the United States Constitution.

3
4 946. The Washington State Constitution, Article I §7, protects each Plaintiff from state
5 interference with their personal autonomy in making health care decisions for
6 themselves.

7
8 947. At the time Defendants made their decision to not accommodate any Plaintiff's
9 religious exemption, the Washington State Supreme Court had long decided by
10 binding judicial decision that each of the foregoing rights are fundamental, must
11 withstand strict scrutiny, and needed to be narrowly tailored to serve only the State's
12 compelling interests.

13
14 948. Moreover, at this time, the United States Supreme Court had decided by a series of
15 binding majority decisions in late 2020 through June 2021 that State action infringing
16 on Free Exercise rights was not generally applicable if there was a mechanism for the
17 State to make individualized decisions amongst similarly situated persons as to who
18 would be subject to the State action and who would not be subject to the State action.

19
20 949. In this case, it was clear to any State official, including Defendant Scarton, that the
21 WSDOT official policy she created, promulgated and that WSDOT used was not
22 generally applicable to all unvaccinated WSDOT employees because it provided a
23 mechanism for Defendants to make individualized determinations amongst its
24 unvaccinated employees, all of whom had the same perceived risks to contravene the
25
26

1 State's proffered interests, as to those who could continue their public employment
2 and those who could not continue their public employment.

3
4 950. At the time, the United States Supreme Court had decided by a series of binding
5 majority decisions in late 2020 through June 2021 that State action infringing upon
6 Free Exercise rights was not generally applicable if it treated religious concerns
7 differently and less favorably than secular concerns.

8
9 951. In this case, Defendants wielded the unbridled discretion they bestowed upon
10 themselves to make individualized accommodation decisions that treated WSDOT's
11 unvaccinated religiously exempt employees differently and less favorably than the
12 way it treated its unvaccinated secularly exempt employees/

13
14 952. At that time, the United States Supreme Court had decided by a series of binding
15 majority decisions in late 2020 through June 2021 that State action that was not
16 generally applicable and infringed upon Free Exercise rights had to withstand strict
17 scrutiny and be narrowly tailored to serve only the State's compelling interests.

18
19 953. At this time, the Washington State Supreme Court had long decided that the
20 Washington Constitution, Article I, §7 protected each Plaintiff's right to not disclose
21 confidential health care information.

22
23 954. At this time, the United States Supreme Court had long decided that the United States
24 Constitution protected a person's substantive due process rights to medical autonomy
25 and bodily integrity and that those rights were subject to heightened protection.
26

1 955. Despite the foregoing provisions in the Washington State and United States
2 Constitution and the binding judicial decisions of the Washington State Supreme
3 Court and the United States Supreme Court, Defendants committed the acts
4 complained of in this Complaint.
5

6 956. After each Plaintiff received notice that they may be subject to having their continued
7 public employment terminated by Defendants if they did not begin the process of
8 becoming fully vaccinated on October 18, 2021, each Plaintiff discerned for
9 themselves no earlier than October 18, 2021, to not start the process of becoming
10 fully vaccinated and face the prospect of having Defendants not grant them any
11 religious accommodation or utilize a less restrictive alternative than terminating their
12 continued public employment.
13

14 957. Up until and including October 18, 2021, each Plaintiff themselves, or through one
15 of them who represented their shared interests, attempted to engage the Defendants
16 in an interactive process regarding reasonable accommodations or less restrictive
17 alternatives.
18

19 958. Despite Plaintiffs' good faith and sincere efforts to engage Defendants in that
20 interactive process and Defendants tepid response, Defendants decided to not provide
21 any religious accommodation to any Plaintiff, not to use any less restrictive
22 alternative and took the penultimate adverse employment action against each
23 Plaintiff, which was terminating their continued public employment effective on
24 October 19, 2021.
25
26

1 959. Defendants' decisions were motivated by reasons that contravened clear mandates
 2 of public policy and infringed on each Plaintiff's ability and insistence to exercise
 3 their legal rights and privileges.

4
 5 960. Defendants' policy-linked conduct was a significant and substantially motivating
 6 factor in their October 18, 2021, decisions.

7 **VIII. SIXTH CAUSE OF ACTION – PRIVATE RIGHT OF ACTION FOR**
 8 **INVASION OF PRIVACY**

9 961. Plaintiffs reallege the prior allegations in this complaint.

10 962. The Washington State Constitution, Article I, § 7, provides "No person shall be
 11 disturbed in his private affairs, or his home invaded, without authority of law."

12 963. Washington recognizes a private right of tort action for violations of privacy.

13 964. A person's privacy includes both medical and bodily autonomy.

14 965. Bodily autonomy includes being free from unwanted bodily intrusions including
 15 injections.

16 966. Unwanted injections are a medical battery.

17 967. Medical autonomy includes the right to make one's own health care decisions and to
 18 be free from unwanted medical treatments.

19 968. The Vaccine was not a sterilizing vaccine that provided immunity, which prevented
 20 infection.

21 969. It was widely known and accepted before the Governor proclaimed the Proclamation
 22 on August 9, 2021, that the vaccine did not prevent its recipient from becoming
 23
 24
 25
 26

1 infected with a breakthrough infection. It, therefore, did not prevent an infected
 2 vaccinated person from transmitting or spreading the COVID-19 virus. It also did
 3 little or nothing to stem the spread of the delta variant of the COVID -19 virus.
 4

5 970. Instead, the Vaccine was successful to prevent serious adverse health consequences,
 6 hospitalizations, and death once a vaccinated person became infected.

7 971. As such, it was a medical treatment and not a traditional vaccine.

8
 9 972. Defendants violated each Plaintiff's rights to privacy when they coerced each
 10 Plaintiff to receive an unwanted bodily intrusion and medical treatment by
 11 threatening each of them to "Get vaccinated or lose your job."

12 973. As a direct and proximate result of Defendants' actions each Plaintiff has suffered
 13 harm to their privacy and economic damages to avoid the ultimate privacy invasion
 14 as well as noneconomic harm.
 15

16 974. Plaintiffs have also suffered attorney fees and costs as special damages caused by
 17 Defendants invading their privacy.
 18

19 **IX. SEVENTH CAUSE OF ACTION – VIOLATION OF WASHINGTON STATE**
 20 **CONSTITUTION REGARDING FREE EXERCISE OF RELIGION**

21 975. Plaintiffs reallege the prior allegations in this Complaint.

22 976. All the acts of Defendants were conducted by them under color of the statutes,
 23 regulations, customs, policies, and/or usages of the State of Washington and the
 24 Washington Department of Transportation.

25 977. The law regarding the free exercise of religion and employment is well established.
 26

1 978. The law regarding due process in employment is well established.

2 979. Defendants knew that the First Amendment prohibits governmental officials from
3 demonstrating hostility to religion or prohibiting the free exercise thereof.
4

5 980. Defendants acted with willful malice, and/or intentionally and in gross disregard of
6 Plaintiffs' constitutional rights, and/or in reckless disregard of Plaintiffs'
7 constitutional rights, by taking adverse employment action against Plaintiffs based
8 on their exercise of religious convictions and practice, and by coercing Plaintiffs to
9 act against their religious convictions and to abandon a religious practice.
10

11 981. As a direct and proximate result of Defendants' actions, Plaintiffs have been deprived
12 of their constitutional rights to the free exercise of religion and to be free from
13 governmental hostility directed at their religion and have been denied their rights to
14 due process and equal protection under the law.
15

16 982. Defendants' actions proximately caused Plaintiffs to suffer damages in amounts to
17 be proven at trial.

18 **X. EIGHTH CAUSE OF ACTION - 42 U.S.C. §1983 ACTION FOR VIOLATING**
19 **THE ESTABLISHMENT CLAUSE IN THE U.S. CONSTITUTION'S FIRST**
20 **AMENDMENT**

21 983. Plaintiffs reallege the prior allegations in this Complaint.

22 984. The Establishment Clause of the First Amendment of the United States Constitution,
23 as applied to the states by the Fourteenth Amendment, prohibits Defendants from
24 enacting any requirement respecting the establishment of religion.
25
26

1 985. By adopting and enforcing the official policies, customs, and policies that it
2 implemented on a Department-wide basis for all its employees respecting exemptions
3 and accommodations violated the Anti-Establishment Clause of the United States
4 Constitution, which is the first clause in the U.S. Constitution's First Amendment.
5

6 986. By requiring Plaintiffs to fill out paperwork that implied religious objectors would
7 not be accommodated unless their religious beliefs oppose all vaccinations,
8 Defendants established favorable treatment for some religious beliefs to the direct
9 detriment of other, disqualifying beliefs.
10

11 987. By adopting a policy that conditioned ongoing public employment upon showing
12 proof of vaccination against COVID-19, irrespective of religious objection thereto,
13 Defendants established a favorable treatment for those with religious beliefs that did
14 not oppose the COVID-19 vaccination, to the direct detriment of other, disqualifying
15 religions.
16

17 988. The Defendants' policies' overt religious discrimination, on its face and as applied,
18 cannot survive strict scrutiny for the reasons described above.
19

20 989. The Defendants' policies', on their face and as applied, also establishes and
21 authorized a process of intrusive religious inquisition to test the Plaintiffs' asserted
22 religious beliefs, in direct violation of the Establishment Clause's longstanding
23 prohibition on the "excessive entanglement" between government and religion. Such
24 excessive entanglement is a per se violation of the Constitution without any
25 opportunity for the government to overcome strict scrutiny.
26

1 990. Defendants' policies establishment of state prescribed religious content and
2 organization targets the holders of all religious beliefs that prohibit receipt of the
3 then-available COVID-19 vaccines, but whose beliefs fall outside the state-
4 prescribed norms.

5
6 991. Plaintiffs are a sect of religious believers whose religious practices and observances
7 prevented them from being injected with the Moderna/Pfizer/or Janssen COVID-19
8 vaccines upon which the Defendants' conditioned their continued public
9 employment, but their beliefs fall outside the state-prescribed norms of Defendants'
10 policies.

11
12 992. Defendants' policies compelled the loss of employment and benefits, along with
13 Plaintiffs' consequent inability to pursue their chosen professions.

14 993. Plaintiffs were required to apply for and be granted a religious exemption from the
15 vaccine mandate contained in the Governor's Proclamation 21-14 (as amended).

16
17 994. Plaintiffs were granted exemption but denied an accommodation pursuant to a
18 Department-wide policy that that it would not accommodate religious exempt
19 employees who had the potential to have any direct contact with co-workers or the
20 public.

21
22 995. Other religious believers who did not have the same practices and observances and,
23 therefore, had no religious practice or observance that conflicted with them
24 complying with the vaccine mandate in the Governor's Proclamation were not
25
26

1 required to be granted a religious exemption or be accommodated to continue their
2 public employment.

3
4 996. The implementation of the policies by the Department targeted and treated religious
5 believers whose practices conflicted with their ability to comply with the vaccine
6 mandates differently and less favorably than the religious believers who did not have
7 those religious practices and observances.

8
9 997. By preferring one group of religious believers differently and more favorably than
10 another group of religious believers, the Department-wide policy implementing the
11 vaccine mandates are contrary to the Establishment Clause of the U.S. Constitution
12 because it only allows continued public employment to the sect of religious believers
13 whose religious practices and observances did not conflict with the ability to comply
14 with the vaccine mandates. Religious believers whose observance and practice did
15 conflict with their ability to comply with the vaccine mandate, including Plaintiffs,
16 were not allowed to continue their public employment if they had any public-facing
17 job assignments in their current position.

18
19 998. The Department-wide policy implementing the vaccine mandates in the Governor's
20 Proclamation is, therefore, subject to strict scrutiny because it was not generally
21 applicable or operationally neutral.

22
23 999. The Governor's proclamation specifically required the Department to grant
24 exemptions and accommodations to its employees who had a sincerely held religious
25 belief, practice or observance that conflicted with their ability to comply with the
26

1 vaccine mandate. As a result, the Department-wide policy permitted and invited
2 religious adherents like Plaintiffs to apply for a religious exemption and, if granted,
3 a religious accommodation if their religious beliefs, practices, or observances,
4 conflicted with their ability to comply with the vaccine mandates.
5

6 1000. Neither the Governor's Proclamation, the Mayoral Directive, nor the Department-
7 wide policy confined the discretion of the Department's agents who implemented the
8 vaccine mandates and created the Department-wide policy. Those agents, therefore,
9 had unfettered or sufficient discretion such that there was a mechanism for them to
10 determine who could continue their public employment and who could not. It is the
11 mechanism that gave the discretion and not the way it may have been used that makes
12 the Department wide policy not generally applicable.
13

14 1001. The Department-wide policy implementing the vaccine mandates and the
15 Department's exemption and accommodation decisions are not narrowly tailored to
16 achieve the Department's and state's stated purpose for the vaccine mandates, which
17 was to stem COVID-19's spread.
18

19 1002. The Department-wide policy did not permit the least restrictive accommodation that
20 serves the government interest, such as masking, social distancing, frequent testing,
21 changing job assignments, encouraging and facilitation voluntary job assignment
22 swaps by substitutes.
23
24
25
26

1 1003. The Department did not enact any ordinance, rule, or regulation that required
2 contractors or other persons who were unvaccinated from interacting with its
3 workers.

4
5 1004. The Department allowed other unvaccinated employees to continue their continued
6 public employment even though they, too, had public facing job assignments.

7 1005. The Department permitted the continued public employment of employees who only
8 received the primary series of either the Moderna, Pfizer, or Janssen vaccines.

9
10 1006. In a one month period between June and July 2021 there were known and reported
11 breakthrough infections occurring amongst the vaccinated, that the disproportionate
12 COVID-19 prevalence between the vaccinated and the unvaccinated was rapidly
13 decreasing, the primary series vaccine efficacy rate was rapidly decreasing, any
14 primary series vaccine immunity was waning quicker than expected, and the primary
15 series vaccine immunity was far less effective to prevent contagion and transmission
16 as the delta variant became the prevalent variant infecting individuals with COVID.

17
18 1007. The Department was aware of the information in the foregoing paragraph because
19 the CDC published the data on September 10, 2021, and the King County Department
20 of Public Health was one of the participating jurisdictions that supplied data for the
21 CDC study.

22
23 1008. In October 2021, the published data regarding vaccine effectiveness for the Janssen
24 primary series of the COVID-19 vaccine was approximately 65%, which was
25 significantly below the vaccine effectiveness for the primary series of either the
26

1 Moderna or Pfizer vaccines. Despite that published data being generally and publicly
2 available, the Department allowed its employees who received only the primary
3 series of that vaccine to continue their public employment.
4

5 1009. The omicron variant became the prevalent variant infecting individuals with COVID
6 in December 2021 – February 2022. During this time the breakthrough infection rate
7 amongst individuals receiving the primary series of the COVID-19 vaccine rapidly
8 spiked and increased such that the vaccine efficacy of the primary series of any of
9 the three COVID-19 vaccines was known to be 0. Despite that publicly available data
10 and information, the Department allowed its employees who only received the
11 primary series of the three COVID19 vaccines to continue their public employment.
12

13 1010. To be sure, the CDC published the data in August 2022, that reviewed the data that
14 was publicly available during that time and concluded the primary series of any of
15 the three COVID-19 vaccines did little or nothing to prevent contagion and
16 transmission of the virus.
17

18 1011. The Department-wide policy was also overinclusive because it prohibited
19 consideration of natural immunity, which was believed to provide as much, if not
20 greater immunity preventing contagion and transmission as did the primary series of
21 the Pfizer, Moderna, or Janssen vaccine. This information was published by the U.S.
22 Center for Disease Control (CDC) on September 10, 2021, and the King County
23 Department of Public Health was one of 13 participating jurisdictions that supplied
24 data for the CDC study.
25
26

1 1012. Despite that knowledge the Department did not condition continued public
 2 employment o receiving all available booster vaccines. The Janssen vaccine was
 3 known in Fall 2021 to have a vaccine efficacy of approximately 65%, but the
 4 Department allowed the primary series (one injection) to satisfy the conditions of
 5 continued public employment. and enacted no ordinance, rule, or regulation that
 6 required
 7

8 1013. Instead, with full knowledge of the information at its disposal, the Department
 9 continued to target its employees who had the specific religious beliefs, practices,
 10 and observances that conflicted with their ability to comply with the vaccine
 11 mandates.
 12

13 **XI. DAMAGES ALLEGATIONS AS TO ALL CLAIMS**

14 1014. Defendants' decisions proximately caused each Plaintiff economic and noneconomic
 15 damages.
 16

17 1015. Each Plaintiff suffered emotional distress that was objectively manifested by loss of
 18 appetite; sleep abnormalities; intrusive and recurring thoughts; worry; anxiety;
 19 difficulty concentrating, focusing, and paying attention; and other symptoms that
 20 affected their daily functioning.
 21

22 1016. Each Plaintiff's economic and noneconomic damages will be proven at trial, but each
 23 Plaintiff's damages exceed \$200.
 24

25 1017. Plaintiffs have been, and continue to be, irreparably harmed by not being able to
 26 engage in their livelihood with the Defendant WSDOT.

1018. Defendants' conduct alleged in this Complaint caused each Plaintiff to hire the services of the undersigned attorneys, and each of them agreed their attorneys a reasonable fee for their services.

1019. Defendants are responsible and liable for Defendants' reasonable attorney fees and costs pursuant to WLAD, other statutes, and recognized grounds in equity.

XII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, and each of them, pray for the following relief against the Defendant:

1. Prospective Injunctive Relief of Reinstatement to their positions and of their previously held rights and benefits.
2. Monetary judgment for all compensatory economic and noneconomic damages each Plaintiff suffered as a direct and proximate result of Defendants' conduct alleged herein.
3. Attorney fees and costs pursuant to WLAD, Washington Equal Access to Justice Act, and any other statute or recognized ground in equity.
4. Such further relief that is just and equitable.

DATED this 27th day of June 2025.

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